

Comment Report

HF 485

A bill for an act relating to the awarding of joint custody and joint physical care.

Subcommittee Members: Holt-CH, Stone, Wessel-Kroeschell

Date: 03/02/2023

Time: 08:00 AM

Location: RM 103, Sup. Ct. Chamber

Name: Jesse Cickavage

Comment: We are in favor of this bill because all of the evidence suggests that shared physical custody is best for children. There is no evidence to suggest that unequal custody is best for children beyond abuse cases which Iowa law already accounts for. Equal custody and access to both parents should be a given for all children, yet too often it is taken away from them with no just cause. The data is clear: shared physical custody decreases rates of child abuse and domestic abuse and leads to less complicated litigation. We must prioritize the best interests of the children and reject the notion of privileged access with the weak rhetoric that a parent is fit for unsupervised visitation with their child yet the child's access must be reduced to some mere fraction of equal. According to the US Department of Health and Human Services (HHS), every state with shared physical custody presumptions has reduced their child abuse and domestic abuse investigations. One could argue this does not necessarily suggest a correlation, but it certainly doesn't mean the increase the opponents of this bill caution of so strongly. We are interested in the best interest of children, as even defined in longstanding state code (see below). It is well past time for the legislature to take action and guarantee that all children have the right to access and experience the love of both of their fit, willing, able and loving parents. Doing so will not only foster healthier relationships between parent and child, but create a better future for everyone involved. Aunts, uncles, cousins, grandparents, all of those special relationships are hindered by current law. The evidence is clear and must be accepted children need equal access to both parents. Let us recognize this need and strive to create a brighter future for all. Iowa Code 598.1 (1) states, Best interest of the child includes but is not limited to the opportunity for maximum continuous physical and emotional contact possible with both parents, unless direct physical or significant emotional harm to the child may result from this contact. Refusal by one parent to provide this opportunity without just cause shall be considered harmful to the best interest of the child"