

598.35 Grandparent great-grandparent visitation rights.

The grandparent or great-grandparent of a child may petition the district court for grandchild or great-grandchild visitation rights when any of the following circumstances occur:

1. The parents of the child are divorced.
2. A petition for dissolution of marriage has been filed by one of the parents of the child.
3. The parent of the child, who is the child of the grandparent, or who is the grandchild of the great-grandparent, has died.
4. The child has been placed in a foster home.
5. The parents of the child are divorced, and the parent who is not the child of the grandparent or who is not the grandchild of the great-grandparent has legal custody of the child, and the spouse of the child's custodial parent has been issued a final adoption decree pursuant to section 600.13.
6. The paternity of a child born out of wedlock is judicially established and the grandparent of the child is the parent of the mother or father of the child or the great-grandparent of the child is the grandparent of the mother or father of the child and the mother of the child has custody of the child, or the grandparent of a child born out of wedlock is the parent of the mother or father of the child or the great-grandparent of the child is the grandparent of the mother or father of the child and custody has been awarded to the father of the child.
7. A parent of the child unreasonably refuses to allow visitation by the grandparent or great-grandparent or unreasonably restricts visitation. This subsection applies to but is not limited in application to a situation in which the parents of the child are divorced and the parent who is the child of the grandparent or who is the grandchild of the great-grandparent has legal custody of the child.

A petition for grandchild or great-grandchild visitation rights shall be granted only upon a finding that the visitation is in the best interests of the child and that the grandparent or great-grandparent had established a substantial relationship with the child prior to the filing of the petition.

[C75, 77, 79, 81, § 598.35]

87 Acts, ch 159, §9; 96 Acts, ch 1041, § 1; 97 Acts, ch 118, §1; 98 Acts, ch 1104, §1