

Senate Amendment 3465

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1 1 Amend House File 909, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 124, by inserting after line 21 the
1 4 following:
1 5 <DIVISION ____
1 6 GRANDPARENT AND GREAT=GRANDPARENT VISITATION
1 7 Sec. ____ . NEW SECTION. 600C.1 GRANDPARENT AND
1 8 GREAT=GRANDPARENT VISITATION.
1 9 1. The grandparent or great=grandparent of a minor
1 10 child may petition the court for grandchild or
1 11 great=grandchild visitation.
1 12 2. The court shall consider a fit parent's
1 13 objections to granting visitation under this section.
1 14 A rebuttable presumption arises that a fit parent's
1 15 decision to deny visitation to a grandparent or
1 16 great=grandparent is in the best interest of a minor
1 17 child.
1 18 3. The court may grant visitation to the
1 19 grandparent or great=grandparent if the court finds
1 20 all of the following by clear and convincing evidence:
1 21 a. The grandparent or great=grandparent has
1 22 established a substantial relationship with the child
1 23 prior to the filing of the petition.
1 24 b. The parent who is being asked to temporarily
1 25 relinquish care, custody, and control of the child to
1 26 provide visitation is unfit to make the decision
1 27 regarding visitation.
1 28 c. It is in the best interest of the child to
1 29 grant such visitation.
1 30 4. For the purposes of this section, "court" means
1 31 the district court or the juvenile court if that court
1 32 currently has jurisdiction over the child in a pending
1 33 action. If an action is not pending, the district
1 34 court has jurisdiction.
1 35 5. Notwithstanding any provision of this chapter
1 36 to the contrary, venue for any action to establish,
1 37 enforce, or modify visitation under this section shall
1 38 be in the county where either parent resides if no
1 39 final custody order determination relating to the
1 40 grandchild or great=grandchild has been entered by any
1 41 other court. If a final custody order has been
1 42 entered by any other court, venue shall be located
1 43 exclusively in the county where the most recent final
1 44 custody order was entered. If any other custodial
1 45 proceeding is pending when an action to establish,
1 46 enforce, or modify visitation under this section is
1 47 filed, venue shall be located exclusively in the
1 48 county where the pending custodial proceeding was
1 49 filed.
1 50 6. Notice of any proceeding to establish, enforce,
2 1 or modify visitation under this section shall be
2 2 personally served upon all parents of a child whose
2 3 interests are affected by a proceeding brought
2 4 pursuant to this section and all grandparents or
2 5 great=grandparents who have previously obtained a
2 6 final order or commenced a proceeding under this
2 7 section.
2 8 7. The court shall not enter any temporary order
2 9 to establish, enforce, or modify visitation under this
2 10 section.
2 11 8. An action brought under this section is subject
2 12 to chapter 598B, and in an action brought to
2 13 establish, enforce, or modify visitation under this
2 14 section, each party shall submit in its first pleading
2 15 or in an attached affidavit all information required
2 16 by section 598B.209.
2 17 9. In any action brought to establish, enforce, or
2 18 modify visitation under this section, the court may
2 19 award attorney fees to the prevailing party in an
2 20 amount deemed reasonable by the court.
2 21 10. If a proceeding to establish or enforce
2 22 visitation under this section is commenced when a
2 23 dissolution of marriage proceeding is pending
2 24 concerning the parents of the affected minor child,

2 25 the record and evidence of the dissolution action
2 26 shall remain impounded pursuant to section 598.26.
2 27 The impounded information shall not be released or
2 28 otherwise made available to any person who is not the
2 29 petitioner or respondent or an attorney of record in
2 30 the dissolution of marriage proceeding.

2 31 Sec. _____. Section 600.11, subsection 2, paragraph
2 32 e, Code 2007, is amended to read as follows:
2 33 e. A person who has been granted visitation rights
2 34 with the child to be adopted pursuant to section
2 35 ~~598.35~~ 600C.1.

2 36 Sec. _____. Section 598.35, Code 2007, is repealed.>

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JACK HATCH

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