

Senate File 571

S-5070

1 Amend Senate File 571 as follows:

2 1. Page 1, line 1, by striking <2019> and inserting <2020>

3 2. Page 1, line 21, by striking <2019> and inserting <2020>

4 3. Page 2, line 15, by striking <2019> and inserting <2020>

5 4. By striking page 2, line 31, through page 4, line 2, and
6 inserting:

7 <Sec. _____. Section 598.41, subsection 3, Code 2020, is
8 amended to read as follows:

9 3. In considering what custody arrangement under subsection
10 2 is in the best interest of the minor child, the court shall
11 consider the following factors:

12 a. Whether each parent would be a suitable custodian for the
13 child.

14 b. Whether the psychological and emotional needs and
15 development of the child will suffer due to lack of active
16 contact with and attention from both parents.

17 c. Whether the parents can communicate with each other
18 regarding the child's needs.

19 d. Whether both parents have actively cared for the child
20 before and since the separation.

21 e. Whether each parent can support the other parent's
22 relationship with the child.

23 f. Whether the custody arrangement is in accord with the
24 child's wishes or whether the child has strong opposition,
25 taking into consideration the child's age and maturity.

26 ~~g. Whether one or both of the parents agree or are opposed
27 to joint custody.~~

28 ~~h.~~ g. The geographic proximity of the parents.

29 ~~i.~~ h. Whether the safety of the child, other children, or
30 the other parent will be jeopardized by the awarding of joint
31 custody or by unsupervised or unrestricted visitation.

32 ~~j.~~ i. Whether a history of domestic abuse, as defined in
33 section 236.2, exists. In determining whether a history of
34 domestic abuse exists, the court's consideration shall include
35 but is not limited to commencement of an action pursuant to

1 section 236.3, the issuance of a protective order against the
2 parent or the issuance of a court order or consent agreement
3 pursuant to [section 236.5](#), the issuance of an emergency order
4 pursuant to [section 236.6](#), the holding of a parent in contempt
5 pursuant to [section 664A.7](#), the response of a peace officer to
6 the scene of alleged domestic abuse or the arrest of a parent
7 following response to a report of alleged domestic abuse, or
8 a conviction for domestic abuse assault pursuant to section
9 708.2A.

10 ~~k.~~ j. Whether a parent has allowed a person custody or
11 control of, or unsupervised access to a child after knowing
12 the person is required to register or is on the sex offender
13 registry as a sex offender under [chapter 692A](#).>

14 5. Page 4, line 4, by striking <2019> and inserting <2020>

15 6. Page 4, line 32, by striking <2019> and inserting <2020>

16 7. Page 5, after line 9 by inserting:

17 <Sec. _____. Section 633.560A, subsection 1, Code 2020, is
18 amended to read as follows:

19 1. The district court may, on its own motion or on the
20 motion of any party, order the parties to participate in
21 mediation in any guardianship or conservatorship action.
22 Mediation performed under [this section](#) shall comply with the
23 provisions of [chapter 679C](#). The court shall, upon application
24 of a party, grant a waiver from any court-ordered mediation
25 under [this section](#) if the party demonstrates that a history
26 of domestic abuse exists similarly as considered in section
27 598.41, subsection 3, paragraph ~~"j"~~ "i". The court may, upon
28 application of a party, grant a waiver from any court-ordered
29 mediation if the action involves elder abuse pursuant to
30 chapter 235F.>

31 8. By renumbering as necessary.

JULIAN GARRETT