S-3177

1 Amend the amendment, S-3166, to House File 636, as amended,

2 passed, and reprinted by the House, as follows:

3   1. Page 2, after line 7 by inserting:

4   <___. Page 2, after line 15 by inserting:

5   <DIVISION ___

6   MINOR CHILD RELOCATION —— SCHOOL DISTRICT

7   Sec. ___. NEW SECTION. **598.21H Relocation of minor child's**

8 **residence outside established school district —— modification of**

9 **order of child custody.**

10   1. If the provisions of section 598.21D are not applicable,

11 and the intended relocation of a parent awarded joint legal

12 custody and physical care or sole legal custody results

13 specifically in relocating the residence of the minor child

14 to a location outside the minor child's school district as

15 established at the time custody was awarded, the relocating

16 parent shall provide sixty days' advance written notice of

17 the intended relocation to the court and to the nonrelocating

18 parent. The court shall consider the relocation a substantial

19 change in circumstances.

20   2. The court shall, upon motion of either party, schedule a

21 hearing to review the notice of relocation to determine if the

22 relocation is in the best interest of the child. The burden of

23 proving that relocation of the residence of the minor child is

24 in the best interest of the child is on the relocating parent.

25 The court's primary consideration in determining if the

26 relocation is in the best interest of the child shall be the

27 effect of the relocation on the child's opportunity for maximum

28 continuous physical and emotional contact with both parents

29 rather than any benefit to the relocating parent relating to

30 employment opportunities or personal relationships.

31   3. If the court determines the relocation is in the best

32 interest of the child, the court may modify the custody order

33 to, at a minimum, preserve, as nearly as possible, the existing

34 relationship between the minor child and the nonrelocating

35 parent. The order may include a provision assigning the

1 responsibility for transportation of the minor child for
2 visitation purposes to the relocating parent.
3   4. If the court determines the relocation is not in the
4 best interest of the child and the nonrelocating parent has
5 joint legal custody, but has not been awarded physical care,
6 the court may, upon request of the nonrelocating parent, do one
7 of the following:
8   *a.* Modify the custody order to award physical care to
9 the nonrelocating parent and to provide visitation to the
10 relocating parent to, at a minimum, preserve, as nearly as
11 possible, the existing relationship between the minor child and
12 the relocating parent.
13   *b.* Modify the custody order to maintain the award of joint
14 legal custody and physical care with the relocating parent and,
15 at a minimum, preserve, as nearly as possible, the existing
16 relationship between the minor child and the nonrelocating
17 parent. The order may include a provision assigning the
18 responsibility for transportation of the minor child for
19 visitation purposes to the relocating parent.
20   5. If the court determines the relocation is not in the best
21 interest of the child and the relocating parent has sole legal
22 custody, upon request of the nonrelocating parent, the court
23 may modify the custody order to provide increased visitation to
24 the nonrelocating parent in addition to that provided under the
25 existing custody order and may include a provision assigning
26 the responsibility for transportation of the minor child for
27 visitation purposes to the relocating parent.>>
28   2. Page 2, line 13, by striking <and decrees; and> and
29 inserting <and decrees;>
30   3. Page 2, after line 13 by inserting:
31   <___. Title page, line 2, after <proceeding> by inserting
32 <; and the relocation of a minor child's residence outside the
33 minor child's established school district>>
34   4. By renumbering, redesignating, and correcting internal
35 references as necessary.

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ADRIAN DICKEY