

Senate File 2214 - Enrolled

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1 1 SENATE FILE 2214

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1 3 AN ACT
1 4 RELATING TO MODIFICATION OF A CHILD CUSTODY ORDER DURING THE
1 5 TIME A PARENT IS SERVING ACTIVE DUTY.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8
1 9 Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD
1 10 CUSTODY OR PHYSICAL CARE == ACTIVE DUTY.

1 11 1. If an application for modification of a decree or a
1 12 petition for modification of an order regarding child custody
1 13 or physical care is filed prior to or during the time a parent
1 14 is serving active duty in the military service of the United
1 15 States, the court may only enter an order or decree
1 16 temporarily modifying the existing child custody or physical
1 17 care order or decree if there is clear and convincing evidence
1 18 that the modification is in the best interest of the child.
1 19 Upon the parent's completion of active duty, the court shall
1 20 reinstate the custody or physical care order or decree that
1 21 was in effect immediately preceding the period of active duty.
1 22 If an application for modification of a decree or a petition
1 23 for modification of an order is filed after a parent completes
1 24 active duty, the parent's absence due to active duty does not
1 25 constitute a substantial change in circumstances, and the
1 26 court shall not consider a parent's absence due to that active
1 27 duty in making a determination regarding the best interest of
1 28 the child.

1 29 2. As used in this section, "active duty" means active
1 30 military duty pursuant to orders issued under Title 10 of the
1 31 United States Code. However, this section shall not apply to
1 32 active guard and reserve duty or similar full-time military
1 33 duty performed by a parent when the child remains in actual
1 34 custody of the parent.

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2 4 JOHN P. KIBBIE
2 5 President of the Senate

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2 8 PATRICK J. MURPHY
2 9 Speaker of the House

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2 11 I hereby certify that this bill originated in the Senate and
2 12 is known as Senate File 2214, Eighty-second General Assembly.

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2 15 _____
2 16 MICHAEL E. MARSHALL
2 17 Secretary of the Senate

2 18 Approved _____, 2008

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2 21 _____
2 22 CHESTER J. CULVER
2 23 Governor