

Judiciary and Law Enforcement: Rosenberg, Chair; Carl Halvorson of Clayton, McIntee, Peterson of Carroll, Schnekloth and Tabor.

*Do Pass 2/6 (p. 584)*

FEB 13 1986

HOUSE FILE 2280

BY HAVERLAND

*San Judiciary & Law Enforcement 3/18  
Amend (5447) & Do Pass 3/25 (p. 879)*

Passed House, Date 3-12-86 (p. 692) Passed Senate, Date 4-7-86 (p. 1083)

Vote: Ayes 91 Nays 2 Vote: Ayes 48 Nays 0

Approved April 28, 1986 (p. 1855)

*Approved House 4-14-86 (p. 1469)  
84-9*

**A BILL FOR**

- 1 An Act relating to violations of child custody orders and making
- 2 penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 2280

H-5764

- 1 Amend House File 2280 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking line 11 and inserting the
- 4 following: "conceals that child or causes that
- 5 child's whereabouts to be unknown to a parent with
- 6 visitation rights or parental time in".

H-5764 FILED APRIL 9, 1986

RECEIVED FROM THE SENATE

*Same concurred 4/14 (p. 1463)*

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1 Section 1. Section 710.6, Code Supplement 1985, is amended  
2 to read as follows:

3 710.6 VIOLATING CUSTODIAL ORDER.

4 A relative of a child who, acting in violation of an order  
5 of any court which fixes, permanently or temporarily, the  
6 custody or physical care of the child in another, takes and  
7 conceals the child, within or outside the state, from the  
8 person having lawful custody or physical care, commits a class  
9 "D" felony.

10 A parent of a child living apart from the other parent who  
11 conceals that child or causes that child to be unavailable in  
12 violation of a court order granting visitation rights or  
13 parental time and without the other parent's consent, commits  
14 a serious misdemeanor.

15 EXPLANATION

16 This bill provides that violation of the physical care  
17 provisions of a joint child custody order is a class "D"  
18 felony, and that violation of the visitation or parental time  
19 provisions of a child custody order is a serious misdemeanor.  
20 The latter violation would include causing a child to be  
21 unavailable for visitation or parental time.

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HOUSE FILE 2280

S-5447

1 Amend House File 2280 as passed by the House as  
2 follows:

3 1. Page 1, by striking line 11 and inserting the  
4 following: "conceals that child, and causes that  
5 child to be unavailable or causes that child's  
6 whereabouts to be unknown to a parent with visitation  
7 rights or parental time in".

S-5447 Filed March 25, 1986

BY COMM. ON JUDICIARY, DOYLE, CHAIR

*Adopted as amended by 5534  
4/7 (p. 1081)*

HOUSE FILE 2280

S-5448

1 Amend House File 2280, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 598.1, Code 1985, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 7. "Joint physical care" means  
8 either coparenting of the minor child by both parents  
9 through the joint provision of one home and routine  
10 care for the child on a daily basis, or alternating  
11 parenting of the minor child with each parent  
12 providing a home for the minor child and routine care  
13 of the child on a daily basis while in that home."

14 2. Page 1, line 6, by inserting after the word  
15 "care" the following: ", including joint physical  
16 care as defined in section 598.1,".

17 3. By renumbering as necessary.

S-5448 Filed March 25, 1986 BY TAYLOR

*Law 4/7 (p. 1082)*

HOUSE FILE 2280

S-5534

1 Amend amendment S-5447 to House File 2280 as passed  
2 by the House as follows:

3 1. Page 1, lines 4 and 5, by striking the words  
4 ", and causes that child to be unavailable".

S-5534 Filed April 2, 1986

BY RITSEMA

*Adopted 4/7 (p. 1081)*

HOUSE FILE 2280

S-5530

1 Amend amendment S-5447 to House File 2280 as passed  
2 by the House as follows:

3 1. Page 1, line 4, by striking the word "and".

S-5530 Filed April 2, 1986

BY RITSEMA

*4/10 4/7 (p. 1081)*

HOUSE FILE 2280

S-5529

1 Amend House File 2280 as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 598.23, subsection 2,  
6 paragraph b, Code Supplement 1985, is amended by  
7 striking the paragraph and inserting in lieu thereof  
8 the following:

9 b. Modifies the decree or order to compensate for  
10 lost parental or visitation time; establishes joint  
11 custody of the child; establishes joint physical care  
12 of the child; or transfers custody of the child. The  
13 court shall consider the denial of parental or  
14 visitation time contrary to the best interest of the  
15 child and a substantial change in circumstances giving  
16 rise to cause for modification of the custody order.  
17 The court shall not excuse a denial of parental or  
18 visitation time in retaliation for a delinquency in  
19 the payment of child support obligations. The court  
20 shall grant additional parental or visitation time to  
21 compensate for a denial of parental or visitation  
22 time.

23 Sec. 2. Section 598.41, Code Supplement 1985, is  
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 7. Court orders granting parental  
26 or visitation time to a parent who is not awarded  
27 custody or physical care of the child are binding on  
28 all parties in the same manner as are court orders for  
29 child support. Court orders granting parental or  
30 visitation time shall require that the parties arrange  
31 additional parental or visitation time to compensate  
32 for lost parental or visitation time which is not used  
33 through no fault of the parent not awarded custody or  
34 physical care of the child. The court shall consider  
35 obdurate refusal to arrange such additional parental  
36 or visitation time as contrary to the best interest of  
37 the child."

38 2. By renumbering as necessary.

S-5529 Filed April 2, 1986

BY READINGER

*W/D 4/7 (p. 1021)*

HOUSE FILE 2280

S-5621

1 Amend amendment S-5572 to House File 2280 as  
2 passed by the House as follows:

3 1. Page 1, line 19, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".

S-5621 Filed and lost April 7, 1986 BY MANN

*(p. 1082)*

S-5572

1 Amend House File 2280 as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 598.23, subsection 2,  
6 paragraph b, Code Supplement 1985, is amended by  
7 striking the paragraph and inserting in lieu thereof  
8 the following:

9 b. Modifies the decree or order to compensate for  
10 lost parental or visitation time; establishes joint  
11 custody of the child; establishes joint physical care  
12 of the child; or transfers custody of the child.

13 Absent compelling extenuating circumstances to the  
14 contrary, the court shall consider the denial of  
15 parental or visitation time contrary to the best  
16 interest of the child. The court shall not excuse a  
17 denial of parental or visitation time in retaliation  
18 for a delinquency in the payment of child support

19 obligations. The court shall grant additional  
20 parental or visitation time to compensate for a denial  
21 of parental or visitation time unless the denial is  
22 shown to be in the best interest of the child.

23 Sec. 2. Section 598.41, Code Supplement 1985, is  
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 7. Court orders granting parental  
26 or visitation time to a parent who is not awarded  
27 custody or physical care of the child are binding on  
28 all parties. Court orders granting parental or  
29 visitation time shall require that the parties arrange  
30 additional parental or visitation time to compensate  
31 for lost parental or visitation time which is not used  
32 through no fault of the parent not awarded custody or  
33 physical care of the child who has demonstrated an  
34 effort to arrange for parental or visitation time  
35 under the conditions of the order. The court shall  
36 consider obdurate refusal to arrange such additional  
37 parental or visitation time as contrary to the best  
38 interest of the child."

39 2. By renumbering as necessary.

S-5572 Filed April 3, 1986

BY READINGER, BRUNER

*Revised 4/7 (p 1082)*

HOUSE FILE 2280

S-5601

1 Amend the amendment, S-5572, to House File 2280 as  
2 passed by the House, as follows:

3 1. Page 1, line 29, by striking the word "shall"  
4 and inserting the following: "may".

5 2. Page 1, line 35, by striking the word "shall"  
6 and inserting the following: "may".

S-5601 Filed April 4, 1986

BY MANN

*Adopted 4/7 (p 1081)*

parental time and without the other parent's consent, commits a serious misdemeanor.

HOUSE FILE 2280

AN ACT

RELATING TO VIOLATIONS OF CHILD CUSTODY ORDERS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 710.6, Code Supplement 1985, is amended to read as follows:

710.6 VIOLATING CUSTODIAL ORDER.

A relative of a child who, acting in violation of an order of any court which fixes, permanently or temporarily, the custody or physical care of the child in another, takes and conceals the child, within or outside the state, from the person having lawful custody or physical care, commits a class "D" felony.

A parent of a child living apart from the other parent who conceals that child or causes that child's whereabouts to be unknown to a parent with visitation rights or parental time in violation of a court order granting visitation rights or

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2280, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 28, 1986

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TERRY E. BRANSTAD  
Governor

H.F. 2280