

# REPRINTED

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Place On Calendar

HOUSE FILE 2409  
BY COMMITTEE ON HUMAN  
RESOURCES

(Formerly House File 2331)

Passed House, Date 3-14-86 (p. 765) Passed Senate, Date 4-7-86 (p. 1077)  
Vote: Ayes 86 Nays 0 Vote: Ayes 45 Nays 1  
Approved April 21, 1986 (p. 1607)

## A BILL FOR

1 An Act relating to the visitation rights of grandparents.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2409

H-5341

1 Amend House File 2409 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 600A.10 GRANDPARENT  
5 VISITATION RIGHTS.

6 A grandparent of a child may petition the district  
7 court for grandchild visitation rights when any of the  
8 following circumstances occur:

9 1. The parent of the child, who is the child of  
10 the grandparent, has died.

11 2. The child has been placed in a foster home.

12 3. The parental rights of the parent of the child,  
13 who is the child of the grandparent, are terminated  
14 pursuant to section 232.117 or 600A.9 or a petition to  
15 terminate parental rights has been filed pursuant to  
16 section 232.111 or 600A.5.

17 A petition for grandchild visitation rights shall  
18 be granted only upon a finding that the visitation  
19 rights are in the best interest of the child and would  
20 not unduly disrupt the child's relationship with the  
21 person who has custody of the child, including an  
22 adoptive parent."

BY JAY of Appanoose  
SURGEON of Woodbury

H-5341 FILED MARCH 13, 1986

*Adopted 3/14 (p. 764)*

HF 2409

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5341 *amended*  
*all*

1 Section 1. Section 232.111, subsection 3, paragraph b,  
2 Code 1985, is amended by adding the following new  
3 subparagraph:

4 NEW SUBPARAGRAPH. (7) Living grandparents of the child.

5 Sec. 2. Section 232.117, subsection 3, unnumbered  
6 paragraph 1, Code 1985, is amended to read as follows:

7 If the court concludes that facts sufficient to sustain the  
8 petition have been established by clear and convincing  
9 evidence, the court may order parental rights terminated.

10 However, the rights of a natural grandparent are not  
11 terminated if a petition is filed and granted pursuant to  
12 section 600A.10. If the court terminates the parental rights  
13 of the child's natural or adoptive parents, the court shall  
14 transfer the guardianship and custody of the child to one of  
15 the following:

16 Sec. 3. Section 598.41, Code Supplement 1985, is amended  
17 by adding the following new subsection after subsection 1 and  
18 renumbering the subsequent subsections:

19 NEW SUBSECTION. 2. The court, insofar as is reasonable  
20 and in the best interest of the child and prior to the court's  
21 awarding custody of the child, shall notify the grandparents  
22 of the child of the grandparents' right to petition the  
23 district court for visitation rights under section 598.35.

24 Sec. 4. Section 600.13, subsection 4, Code 1985, is  
25 amended to read as follows:

26 4. A final adoption decree terminates any parental rights,  
27 except those of a spouse of the adoption petitioner, existing  
28 at the time of its issuance and establishes the parent-child  
29 relationship between the adoption petitioner and the person  
30 petitioned to be adopted. Unless otherwise specified by law,  
31 such the parent-child relationship shall-be is deemed to have  
32 been created at the birth of the child. However, the rights  
33 of a natural grandparent are not terminated if a petition is  
34 filed and granted pursuant to section 600A.10.

35 Sec. 5. Section 600.13, Code 1985, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 6. The court has jurisdiction to de-  
3 termine the grandchild visitation rights of the natural  
4 grandparents of a child if the grandparents have filed a  
5 petition pursuant to section 600A.10.

6 Sec. 6. Section 600A.5, subsection 3, paragraph b, Code  
7 1985, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (7) Living grandparents of the child.

9 Sec. 7. Section 600A.9, subsection 1, paragraph b, Code  
10 1985, is amended to read as follows:

11 b. Order the petition granted. The juvenile court shall  
12 appoint a guardian and a custodian or a guardian only. An  
13 order issued under this paragraph shall include the finding of  
14 facts. ~~Such~~ The finding shall specify the factual basis for  
15 terminating the parent-child relationship and shall specify  
16 the ground or grounds upon which the termination is ordered.  
17 The rights of a natural grandparent are not terminated when  
18 the petition is granted if a petition for grandchild  
19 visitation rights is filed and granted pursuant to section  
20 600A.10.

21 Sec. 8. NEW SECTION. 600A.10 GRANDPARENT RIGHTS.

22 1. A natural grandparent of a child may petition the  
23 district court for grandchild visitation rights under any of  
24 the following circumstances:

25 a. When a parent's rights are terminated pursuant to  
26 section 232.117 or 600A.9.

27 b. When the parent of the child, who is the child of the  
28 grandparent, has died and the spouse of the child's living  
29 parent has been issued a final adoption decree pursuant to  
30 section 600.13.

31 c. When the parents of the child are divorced, and the  
32 parent who is not the child of the grandparent has legal  
33 custody of the child, and the spouse of the child's custodial  
34 parent has been issued a final adoption decree pursuant to  
35 section 600.13.

1 2. A petition for grandchild visitation rights shall be  
2 granted only upon a finding that visitation rights are in the  
3 best interest of the child and in the best interest of the  
4 person with custody of the child, including an adoptive  
5 parent. However, if only the circumstances described in  
6 subsection 1, paragraph "a" are applicable, the petition shall  
7 not be granted unless the petitioning natural grandparent had  
8 established a substantial relationship with the child prior to  
9 the filing of the petition.

10 Sec. 9. TEMPORARY PERIOD FOR FILING OF PETITIONS.

11 A grandparent may file a petition prior to July 1, 1988  
12 pursuant to section 600A.10, if the parental rights of the  
13 grandparent's child were terminated before July 1, 1986.

14 EXPLANATION

15 This bill permits a natural grandparent to petition the  
16 district court for grandchild visitation rights when a  
17 parent's rights are terminated or the grandchild's parent has  
18 died or has been divorced. The bill stipulates that a  
19 grandparent's rights are not terminated upon the termination  
20 of a parent's rights or upon the parents' divorce if the  
21 petition is filed and granted. A two-year period is  
22 established in which a petition for grandchild visitation  
23 rights can be filed if parental rights of the grandparent's  
24 child were terminated before July 1, 1986.

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HOUSE FILE 2409  
BY COMMITTEE ON HUMAN  
RESOURCES

(As Amended and Passed by the House March 14, 1986)

Passed House, Date 3-14-86 (p. 765) Passed Senate, Date 4-7-86 (p. 1077)

Vote: Ayes 86 Nays 0 Vote: Ayes 45 Nays 1

Approved April 21, 1986 (p. 1667)

**A BILL FOR**

- 1 An Act relating to the visitation rights of grandparents.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2409

S-5467

1 Amend House File 2409, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "parent." the following: "However, if the  
5 circumstances described in subsection 2 or 3, or both,  
6 but not in subsection 1, are applicable, the petition  
7 shall not be granted unless the petitioning  
8 grandparent had established a substantial relationship  
9 with the child prior to the filing of the petition."

S-5467 Filed March 27, 1986 BY HANNON

*Law 4/7 (p. 1077)*

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HF 2409

rj/pk/25

1 Section 1. NEW SECTION. 600A.10 GRANDPARENT VISITATION  
2 RIGHTS.

3 A grandparent of a child may petition the district court  
4 for grandchild visitation rights when any of the following  
5 circumstances occur:

6 1. The parent of the child, who is the child of the  
7 grandparent, has died.

8 2. The child has been placed in a foster home.

9 3. The parental rights of the parent of the child, who is  
10 the child of the grandparent, are terminated pursuant to  
11 section 232.117 or 600A.9 or a petition to terminate parental  
12 rights has been filed pursuant to section 232.111 or 600A.5.

13 A petition for grandchild visitation rights shall be  
14 granted only upon a finding that the visitation rights are in  
15 the best interest of the child and would not unduly disrupt  
16 the child's relationship with the person who has custody of  
17 the child, including an adoptive parent.

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the child's relationship with the person who has custody of the child, including an adoptive parent.

HOUSE FILE 2409

AN ACT

RELATING TO THE VISITATION RIGHTS OF GRANDPARENTS.

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

Section 1. NEW SECTION. 600A.10 GRANDPARENT VISITATION RIGHTS.

A grandparent of a child may petition the district court for grandchild visitation rights when any of the following circumstances occur:

1. The parent of the child, who is the child of the grandparent, has died.
2. The child has been placed in a foster home.
3. The parental rights of the parent of the child, who is the child of the grandparent, are terminated pursuant to section 232.117 or 600A.9 or a petition to terminate parental rights has been filed pursuant to section 232.111 or 600A.5.

A petition for grandchild visitation rights shall be granted only upon a finding that the visitation rights are in the best interest of the child and would not unduly disrupt

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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 2409, Seventy-first General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved *April 21*, 1986

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TERRY S. BRANSTAD  
Governor

H.F. 2409