

MAR 8 1995  
JUDICIARY

HOUSE FILE 294  
BY BURNETT and MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to establishing a presumption against joint  
2 custody in marriage dissolution proceedings where a finding of  
3 domestic abuse is made by the court.

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

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HF 294

1 Section 1. Section 598.41, Code 1995, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 4. The court shall not award joint  
4 custody where the court has made a finding that there is a  
5 history of domestic abuse, child abuse, or child sexual abuse  
6 by one parent unless the parent who committed the abuse proves  
7 by a preponderance of the evidence that the person is no  
8 longer a danger to other family members.

9 If a parent is absent or relocates because of an act of  
10 domestic abuse, child abuse, or child sexual abuse by the  
11 other parent, the absence or relocation shall not be a factor  
12 that is weighed against the parent in determining custody or  
13 visitation rights.

14 EXPLANATION

15 This bill provides that the court in a marriage dissolution  
16 proceeding shall not award joint custody of children to both  
17 parents if the court finds a history of domestic abuse, child  
18 abuse, or child sexual abuse by one parent unless that parent  
19 proves by a preponderance of the evidence that the parent is  
20 no longer a danger to the other family members. The bill also  
21 provides that if a parent is absent or relocates due to  
22 domestic abuse, child abuse, or child sexual abuse by the  
23 other parent, the absence or relocation shall not be a factor  
24 that weighs against the parent in determining custody or  
25 visitation.

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