

FILED JAN 9 1995

SENATE FILE 6

BY LIND

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the awarding of joint custody of children
2 resulting from a dissolution of marriage.

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

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SE 6

1 Section 1. Section 598.1, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "Joint legal custody" or "joint
4 custody" means an award of the rights of legal custody to both
5 parents jointly under which both parents have legal custodial
6 rights and responsibilities toward the child and under which
7 neither parent has legal custodial rights superior to those of
8 the other parent. Rights and responsibilities as a joint
9 legal custodial parent include, but are not limited to, equal
10 participation in decisions affecting the child's legal status,
11 medical care, education, extracurricular activities, third-
12 party child care, and religious instruction.

13 Sec. 2. Section 598.1, subsection 3, Code 1995, is amended
14 to read as follows:

15 3. "Joint custody physical care" ~~or "joint-legal-custody"~~
16 means an award of custody physical care of a minor child to
17 both joint legal custodial parents under which both parents
18 have rights and responsibilities toward the child, including
19 but not limited to shared parenting time and under which
20 neither parent has rights superior to those of the other
21 parent. ~~The court may award physical care to one parent only.~~

22 Sec. 3. Section 598.1, subsection 5, Code 1995, is amended
23 to read as follows:

24 5. "Physical care" means the right and responsibility to
25 maintain the ~~principal~~ home of the minor child and provide for
26 the routine care of the child.

27 Sec. 4. Section 598.41, subsection 5, Code 1995, is
28 amended to read as follows:

29 ~~5. Joint-legal-custody-does-not-require-joint-physical~~
30 ~~care.--When~~ If the court determines such action would be in
31 the best interest of the child, joint physical care may be
32 given to both joint legal custodial parents or physical care
33 may be given to one joint legal custodial parent and-not-to
34 ~~the-other~~. If one joint legal custodial parent is awarded
35 physical care, the court shall hold that parent responsible

1 for providing for the best interest of the child. However,
2 physical care given to one joint legal custodial parent does
3 not affect the other joint legal custodial parent's rights and
4 responsibilities as a legal custodian of the child. Rights
5 and responsibilities as legal custodian of the child include,
6 but are not limited to, equal participation in decisions
7 affecting the child's legal status, medical care, education,
8 extracurricular activities, third-party child care, and
9 religious instruction.

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EXPLANATION

This bill amends sections of the Code relating to the
awarding of joint custody of children in a dissolution of
marriage context and specifically in the awarding of joint
physical care. The bill redefines "joint legal custody" to
include rights and responsibilities connected to third-party
child care decisions. The bill also defines "joint physical
care" and provides that the court may award physical care to
one parent or may award joint physical care to both parents.
If parents are awarded joint physical care, neither parent has
rights superior to those of the other parent.