

FEB 28 1997  
JUDICIARY

HOUSE FILE 394  
BY GREINER

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

A BILL FOR

1 An Act providing for evaluation of a child with respect to the  
2 child's best interests in a proceeding for modification of a  
3 custody arrangement.

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

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HF 394

1 Section 1. Section 598.41, subsection 7, Code 1997, is  
2 amended to read as follows:

3 7. If an application for modification of a decree or a  
4 petition for modification of an order is filed, based upon  
5 differences between the parents regarding the custody  
6 arrangement established under the decree or order, unless the  
7 court determines that a history of domestic abuse exists as  
8 specified in subsection 3, paragraph "j", or unless the court  
9 determines that direct physical harm or significant emotional  
10 harm to the child, other children, or a parent is likely to  
11 result, the court may require the parents to participate in  
12 mediation to attempt to resolve the differences between the  
13 parents. The court may also require an evaluation of the  
14 child to assist the court in determining the best interests of  
15 the child, prior to the granting of an order to modify a  
16 custody arrangement. The evaluation shall be performed by a  
17 person licensed to practice psychology pursuant to chapter  
18 154B who is knowledgeable in psychology relating to children.  
19 A report of the evaluation's findings and recommendations  
20 regarding the best interests of the child and modification of  
21 a decree or custody order shall be submitted to the court for  
22 review and shall be part of the record unless otherwise  
23 ordered by the court.

24

#### EXPLANATION

25 This bill allows a court, in an application for  
26 modification of a decree or a petition for modification of an  
27 order for custody of a child, to require an evaluation of the  
28 child by a licensed psychologist knowledgeable regarding the  
29 psychology of children to assist the court in determining the  
30 best interests of the child prior to the granting of an order  
31 to modify the custody arrangement. The evaluation report  
32 containing findings and recommendations regarding the best  
33 interests of the child and modification of a decree or custody  
34 order is to be submitted to the court for review and is made  
35 part of the record unless otherwise ordered by the court.

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