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MAR 14 1997

Place On Calendar

HOUSE FILE **643**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 205)

Passed House, Date ^(P.925) 4-1-97 Passed Senate, Date ^(P.1388) 4/23/97
 Vote: Ayes 99 Nays 1 Vote: Ayes 48 Nays 0
 Approved May 2, 1997

A BILL FOR

1 An Act providing for grandparent and great-grandparent visitation
2 rights.

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

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HOUSE FILE 643

H-1417

- 1 Amend House File 643 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "visitation." the following: "This subsection applies
- 4 to but is not limited in application to a situation in
- 5 which the parents of the child are divorced and the
- 6 parent who is the child of the grandparent or who is
- 7 the grandchild of the great-grandparent has legal
- 8 custody of the child."
- 9 2. Page 1, by striking lines 33 through 35.

By LAMBERTI of Polk

H-1417 FILED MARCH 26, 1997

adopted 4-1-97 (P.925)

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HF 643

1 Section 1. Section 598.35, Code 1997, is amended to read
2 as follows:

3 598.35 GRANDPARENT -- GREAT-GRANDPARENT -- VISITATION
4 RIGHTS.

5 The grandparent or great-grandparent of a child may
6 petition the district court for grandchild or great-grandchild
7 visitation rights when any of the following circumstances
8 occur:

- 9 1. The parents of the child are divorced.
- 10 2. A petition for dissolution of marriage has been filed
11 by one of the parents of the child.
- 12 3. The parent of the child, who is the child of the
13 grandparent, or who is the grandchild of the great-
14 grandparent, has died.
- 15 4. The child has been placed in a foster home.
- 16 5. The parents of the child are divorced, and the parent
17 who is not the child of the grandparent or who is not the
18 grandchild of the great-grandparent has legal custody of the
19 child, and the spouse of the child's custodial parent has been
20 issued a final adoption decree pursuant to section 600.13.
- 21 6. The paternity of a child born out of wedlock is
22 judicially established and the grandparent of the child is the
23 parent of the father of the child or the great-grandparent of
24 the child is the grandparent of the father of the child and
25 the mother of the child has custody of the child, or the
26 grandparent of a child born out of wedlock is the parent of
27 the mother of the child or the great-grandparent of the child
28 is the grandparent of the mother of the child and custody has
29 been awarded to the father of the child.
- 30 7. A parent of the child unreasonably refuses to allow
31 visitation by the grandparent or great-grandparent or
32 unreasonably restricts visitation.
- 33 8. The parents of the child are divorced, and the parent
34 who is the child of the grandparent or who is the grandchild
35 of the great-grandparent has legal custody of the child.

1 A petition for grandchild or great-grandchild visitation
2 rights shall be granted only upon a finding that the
3 visitation is in the best interests of the child and that the
4 grandparent or great-grandparent had established a substantial
5 relationship with the child prior to the filing of the
6 petition.

7 EXPLANATION

8 This bill provides the same rights of visitation to great-
9 grandparents of a child as are currently provided to
10 grandparents of a child through petition of the district court
11 under certain circumstances and if visitation is in the best
12 interest of the child and the great-grandparent has
13 established a substantial relationship with the child prior to
14 the filing of the petition. The bill also adds circumstances
15 under which a grandparent or great-grandparent may petition
16 for visitation which is that the parents of the child are
17 divorced and the parent who is the child of the grandparent or
18 who is the grandchild of the great-grandparent has legal
19 custody of the child.

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4/1/97 Judiciary
5. 4/3/97 Do Pass
5-4/10/97 Unfinished Business Calendar

HOUSE FILE 643
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 205)

(As Amended and Passed by the House, April 1, 1997)

Passed House, Date _____ Passed Senate, ^(p. 1388) Date 4-23-97
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved May 2, 1997

A BILL FOR

1 An Act providing for grandparent and great-grandparent visitation
2 rights.

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

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House Amendments _____

Deleted Language *

1 Section 1. Section 598.35, Code 1997, is amended to read
2 as follows:

3 598.35 GRANDPARENT -- GREAT-GRANDPARENT -- VISITATION
4 RIGHTS.

5 The grandparent or great-grandparent of a child may
6 petition the district court for grandchild or great-grandchild
7 visitation rights when any of the following circumstances
8 occur:

9 1. The parents of the child are divorced.

10 2. A petition for dissolution of marriage has been filed
11 by one of the parents of the child.

12 3. The parent of the child, who is the child of the
13 grandparent, or who is the grandchild of the great-
14 grandparent, has died.

15 4. The child has been placed in a foster home.

16 5. The parents of the child are divorced, and the parent
17 who is not the child of the grandparent or who is not the
18 grandchild of the great-grandparent has legal custody of the
19 child, and the spouse of the child's custodial parent has been
20 issued a final adoption decree pursuant to section 600.13.

21 6. The paternity of a child born out of wedlock is
22 judicially established and the grandparent of the child is the
23 parent of the father of the child or the great-grandparent of
24 the child is the grandparent of the father of the child and
25 the mother of the child has custody of the child, or the
26 grandparent of a child born out of wedlock is the parent of
27 the mother of the child or the great-grandparent of the child
28 is the grandparent of the mother of the child and custody has
29 been awarded to the father of the child.

30 7. A parent of the child unreasonably refuses to allow
31 visitation by the grandparent or great-grandparent or
32 unreasonably restricts visitation. This subsection applies to
33 but is not limited in application to a situation in which the
34 parents of the child are divorced and the parent who is the
35 child of the grandparent or who is the grandchild of the

1 great-grandparent has legal custody of the child.

*2 A petition for grandchild or great-grandchild visitation
3 rights shall be granted only upon a finding that the
4 visitation is in the best interests of the child and that the
5 grandparent or great-grandparent had established a substantial
6 relationship with the child prior to the filing of the
7 petition.

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HOUSE FILE 643

AN ACT
PROVIDING FOR GRANDPARENT AND GREAT-GRANDPARENT VISITATION
RIGHTS.

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

Section 1. Section 598.35, Code 1997, is amended to read
as follows:

598.35 GRANDPARENT -- GREAT-GRANDPARENT -- VISITATION
RIGHTS.

The grandparent or great-grandparent of a child may
petition the district court for grandchild or great-grandchild
visitation rights when any of the following circumstances
occur:

1. The parents of the child are divorced.
2. A petition for dissolution of marriage has been filed
by one of the parents of the child.
3. The parent of the child, who is the child of the
grandparent, or who is the grandchild of the great-
grandparent, has died.
4. The child has been placed in a foster home.
5. The parents of the child are divorced, and the parent
who is not the child of the grandparent or who is not the
grandchild of the great-grandparent has legal custody of the
child, and the spouse of the child's custodial parent has been
issued a final adoption decree pursuant to section 600.13.
6. The paternity of a child born out of wedlock is
judicially established and the grandparent of the child is the
parent of the father of the child or the great-grandparent of
the child is the grandparent of the father of the child and
the mother of the child has custody of the child, or the
grandparent of a child born out of wedlock is the parent of
the mother of the child or the great-grandparent of the child
is the grandparent of the mother of the child and custody has
been awarded to the father of the child.

7. A parent of the child unreasonably refuses to allow
visitation by the grandparent or great-grandparent or
unreasonably restricts visitation. This subsection applies to
but is not limited in application to a situation in which the
parents of the child are divorced and the parent who is the
child of the grandparent or who is the grandchild of the
great-grandparent has legal custody of the child.

A petition for grandchild or great-grandchild visitation
rights shall be granted only upon a finding that the
visitation is in the best interests of the child and that the
grandparent or great-grandparent had established a substantial
relationship with the child prior to the filing of the
petition.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 643, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 2, 1997

TERRY E. BRANSTAD
Governor

HF 643