

4-7-97 Referred to Judiciary
2-4-98 Do Pass

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MAR 18 1997
Place On Calendar

HOUSE FILE 677
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 154)

Passed House, Date (P.710) 3/16/98 Passed Senate, Date (P.941) 3/30/98
Vote: Ayes 98 Nays 0 Vote: Ayes 47 Nays 0
Approved April 10, 1998

A BILL FOR

1 An Act relating to an exception from mandatory participation in a
2 course by parties to an action involving child custody or
3 visitation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 677

H-8379

1 Amend House File 677 as follows:
2 1. Page 1, by inserting after line 18 the
3 following:
4 "Sec. . NEW SECTION. 598.41A VISITATION --
5 HISTORY OF CRIMINAL OFFENSES AGAINST A MINOR.
6 Notwithstanding section 598.41, the court shall
7 consider in the award of visitation rights to a parent
8 of a child, the criminal history of the parent if the
9 parent has been convicted of a criminal offense
10 against a minor, a sexually violent offense against a
11 minor, or sexual exploitation of a minor. As used in
12 this section, "criminal offense against a minor",
13 "sexually violent offense", and "sexual exploitation"
14 mean as defined in section 692A.1."
15 2. Title page, line 1, by inserting after the
16 word "to" the following: "child custody and
17 visitation including the consideration of a parent's
18 criminal history in the awarding of visitation rights
19 and including".

HF 677

3/16/98 Adopted (P.709)

By MURPHY of Dubuque
KINZER of Scott
REYNOLDS-KNIGHT of Van Buren

H-8379 FILED MARCH 12, 1998

1 Section 1. Section 598.19A, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The court shall order the parties to any action which
4 involves the issues of child custody or visitation shall to
5 participate in a court-approved course to educate and
6 sensitize the parties to the needs of any child or party
7 during and subsequent to the proceeding within forty-five days
8 of the service of notice and petition for the action or within
9 forty-five days of the service of notice and application for
10 modification of an order. Participation in the course may be
11 waived or delayed by the court for good cause including, but
12 not limited to, a default by any of the parties or a showing
13 that the parties have previously participated in a court-
14 approved course or its equivalent. Participation in the
15 course is not required if the proceeding involves termination
16 of parental rights of any of the parties. A final decree
17 shall not be granted or a final order shall not be entered
18 until the parties have complied with this section.

19 EXPLANATION

20 This bill provides that good cause for waiver of mandatory
21 participation in a court-approved course to educate and
22 sensitize the parties to an action involving child custody or
23 visitation includes a showing of prior participation by the
24 parties in a court-approved course or its equivalent.

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3/16/98 Judiciary
5-3/19/98 Do Pass
5.3/24/98 UNFINISHED BUSINESS

HOUSE FILE **677**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 154)

(As Amended and Passed by the House, March 16, 1998)

Passed House, Date _____ Passed Senate, Date 3/30/98
Vote: Ayes _____ Nays _____ Vote: Ayes 47 Nays 0
Approved April 10, 1998

A BILL FOR

1 An Act relating to child custody and visitation including the
2 consideration of parent's criminal history in the awarding of
3 visitation rights and including an exception from mandatory
4 participation in a course by parties to an action involving
5 child custody or visitation.

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

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New Language _____

1 Section 1. Section 598.19A, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The court shall order the parties to any action which
4 involves the issues of child custody or visitation shall to
5 participate in a court-approved course to educate and
6 sensitize the parties to the needs of any child or party
7 during and subsequent to the proceeding within forty-five days
8 of the service of notice and petition for the action or within
9 forty-five days of the service of notice and application for
10 modification of an order. Participation in the course may be
11 waived or delayed by the court for good cause including, but
12 not limited to, a default by any of the parties or a showing
13 that the parties have previously participated in a court-
14 approved course or its equivalent. Participation in the
15 course is not required if the proceeding involves termination
16 of parental rights of any of the parties. A final decree
17 shall not be granted or a final order shall not be entered
18 until the parties have complied with this section.

19 Sec. 2. NEW SECTION. 598.41A VISITATION -- HISTORY OF
20 CRIMINAL OFFENSES AGAINST A MINOR.

21 Notwithstanding section 598.41, the court shall consider in
22 the award of visitation rights to a parent of a child, the
23 criminal history of the parent if the parent has been
24 convicted of a criminal offense against a minor, a sexually
25 violent offense against a minor, or sexual exploitation of a
26 minor. As used in this section, "criminal offense against a
27 minor", "sexually violent offense", and "sexual exploitation"
28 mean as defined in section 692A.1.

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HOUSE FILE 677

AN ACT

RELATING TO CHILD CUSTODY AND VISITATION INCLUDING THE
CONSIDERATION OF PARENT'S CRIMINAL HISTORY IN THE AWARD-
ING OF VISITATION RIGHTS AND INCLUDING AN EXCEPTION FROM
MANDATORY PARTICIPATION IN A COURSE BY PARTIES TO AN
ACTION INVOLVING CHILD CUSTODY OR VISITATION.

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

Section 1. Section 598.19A, subsection 1, Code 1997, is amended to read as follows:

1. The court shall order the parties to any action which involves the issues of child custody or visitation shall to participate in a court-approved course to educate and sensitize the parties to the needs of any child or party during and subsequent to the proceeding within forty-five days of the service of notice and petition for the action or within forty-five days of the service of notice and application for modification of an order. Participation in the course may be waived or delayed by the court for good cause including, but not limited to, a default by any of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent. Participation in the course is not required if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be granted or a final order shall not be entered until the parties have complied with this section.

Sec. 2. NEW SECTION. 598.41A VISITATION -- HISTORY OF CRIMINAL OFFENSES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a

minor. As used in this section, "criminal offense against a minor", "sexually violent offense", and "sexual exploitation" mean as defined in section 692A.1.

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 677, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 10, 1998

TERRY E. BRANSTAD
Governor