

MAR 11 1999

S-3/16/99 *Numon Res.*
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Place On Calendar

HOUSE FILE **633**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 190)

Passed House, (P683) Date 3-16-99 Passed Senate, (P.922) Date 4/5/99
Vote: Ayes 94 Nays 3 Vote: Ayes 47 Nays 0
Approved April 16, 1999

A BILL FOR

1 An Act restricting the awarding of child visitation rights to a
2 parent convicted of murder in the first degree of the other
3 parent.

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

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HF 633

1 Section 1. NEW SECTION. 598.41B VISITATION --
2 RESTRICTIONS -- MURDER OF PARENT.

3 1. Notwithstanding section 598.41, the court shall not do
4 either of the following:

5 a. Enforce an existing order awarding visitation rights to
6 a child's parent, which was obtained prior to that parent's
7 conviction for first degree murder in the murder of the
8 child's other parent, unless such enforcement is in the best
9 interest of the child.

10 b. Award visitation rights to a child's parent who has
11 been convicted of murder in the first degree of the child's
12 other parent, unless the court finds that such visitation is
13 in the best interest of the child.

14 2. In determining whether visitation would be in the best
15 interest of the child pursuant to subsection 1, the court
16 shall consider all of the following:

17 a. The age and level of maturity of the child.

18 b. If the child is developmentally mature enough to
19 provide assent and whether the child does assent.

20 c. The recommendation of the child's custodian or legal
21 guardian.

22 d. The recommendation of a child counselor or mental
23 health professional following evaluation of the child.

24 e. The recommendation of a guardian ad litem for the child
25 if one has been appointed to represent the child in the
26 proceeding.

27 f. Any other information which the court deems to be
28 relevant.

29 3. Until such time as an order regarding visitation rights
30 under subsection 1 is entered, the child of a parent who has
31 been convicted of murder in the first degree of the child's
32 other parent shall not visit the parent who has been
33 convicted.

34 EXPLANATION

35 This bill prohibits the court from enforcing an existing

1 visitation order when the order was obtained prior to a
2 parent's conviction for first degree murder in the murder of
3 the child's other parent unless enforcement is in the best
4 interest of the child. The bill also prohibits the issuing of
5 an order by the court which awards visitation rights to a
6 child's parent convicted of murder in the first degree of the
7 other parent of the child, unless the court finds that such
8 visitation is in the best interest of the child. The bill
9 specifies considerations of the court in determining the best
10 interest of the child.

11 Until an order is issued under the above circumstances, the
12 bill provides that the child is prohibited from visiting the
13 convicted parent.

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AN ACT

RESTRICTING THE AWARDING OF CHILD VISITATION RIGHTS TO A
PARENT CONVICTED OF MURDER IN THE FIRST DEGREE OF THE
OTHER PARENT.

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

Section 1. NEW SECTION. 598.41B VISITATION --
RESTRICTIONS -- MURDER OF PARENT.

1. Notwithstanding section 598.41, the court shall not do
either of the following:

a. Enforce an existing order awarding visitation rights to
a child's parent, which was obtained prior to that parent's
conviction for first degree murder in the murder of the
child's other parent, unless such enforcement is in the best
interest of the child.

b. Award visitation rights to a child's parent who has
been convicted of murder in the first degree of the child's
other parent, unless the court finds that such visitation is
in the best interest of the child.

2. In determining whether visitation would be in the best
interest of the child pursuant to subsection 1, the court
shall consider all of the following:

- a. The age and level of maturity of the child.
- b. If the child is developmentally mature enough to
provide assent and whether the child does assent.
- c. The recommendation of the child's custodian or legal
guardian.
- d. The recommendation of a child counselor or mental
health professional following evaluation of the child.
- e. The recommendation of a guardian ad litem for the child
if one has been appointed to represent the child in the

proceeding.

f. Any other information which the court deems to be
relevant.

3. Until such time as an order regarding visitation rights
under subsection 1 is entered, the child of a parent who has
been convicted of murder in the first degree of the child's
other parent shall not visit the parent who has been
convicted.

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 633, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 16, 1999

THOMAS J. VILSACK
Governor