

FEB 12 2001  
HUMAN RESOURCES

HOUSE FILE 232  
BY RANTS

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

**A BILL FOR**

1 An Act relating to the custody of a child whose parent is  
2 convicted of an offense for which the person is sentenced to  
3 imprisonment.

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

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HF-232

1 Section 1. Section 598.41, Code 2001, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9. a. Notwithstanding subsection 1,  
4 paragraph "a", if the court finds that a parent has been  
5 convicted of an offense for which the person was sentenced to  
6 imprisonment, a rebuttable presumption against the awarding of  
7 joint legal custody and physical care exists. Until such time  
8 as an order awarding legal custody is entered, the court shall  
9 award temporary legal custody and physical care to the other  
10 parent.

11 b. When a parent awarded legal custody or physical care of  
12 a child cannot act as custodian or caretaker because the  
13 parent has been convicted of an offense for which the person  
14 has been sentenced to imprisonment, the court shall award  
15 legal custody including physical care of the child to the  
16 other parent, unless the court finds that such an award is not  
17 in the best interest of the child.

18 EXPLANATION

19 This bill provides that in determining an award of custody  
20 of a child, if the court finds that a parent has been  
21 convicted of an offense for which the person has been  
22 sentenced to imprisonment, a rebuttable presumption against  
23 awarding joint legal custody exists. Additionally, until such  
24 time as custody is awarded, the court is to award temporary  
25 legal custody to the other parent.

26 The bill also provides that if a parent who was awarded  
27 legal custody or physical care of a child is unable to act as  
28 custodian or caretaker because the person has been convicted  
29 of an offense for which the person has been sentenced to  
30 imprisonment, the court is directed to award custody,  
31 including physical custody to the other parent, unless such an  
32 award is not in the best interest of the child.

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