

FILED MAR 03 '04

SENATE FILE 2234
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3120)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child custody and visitation provisions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2234
JUDICIARY

1 Section 1. NEW SECTION. 598.14B UNIFORM CHILD VISITATION
2 -- TEMPORARY CUSTODY ORDERS.

3 A temporary order for custody shall provide for a minimum
4 of visitation with the noncustodial parent on alternating
5 weekends, unless the court determines that such visitation is
6 not in the best interest of the child.

7 Sec. 2. Section 600B.24, Code 2003, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. If the court enters a judgment against
10 the defendant declaring paternity and ordering support of the
11 child, the court shall also issue an order for custody or
12 visitation of the child in accordance with the provisions
13 relating to issuance of orders for custody or visitation of a
14 child by the court in a dissolution of marriage proceeding
15 pursuant to chapter 598.

16 EXPLANATION

17 This bill provides that a temporary order for custody is to
18 provide for a minimum of visitation with the noncustodial
19 parent on alternating weekends, unless the court finds that
20 the visitation order is not in the best interest of the child.

21 The bill also provides that if a court enters a judgment of
22 paternity and orders support of the child under the paternity
23 and obligation for support chapter (Code chapter 600B), the
24 court is also directed to issue an order for custody or
25 visitation in accordance with the custody and visitation
26 provisions that apply to dissolution of marriage proceedings
27 under Code chapter 598.

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**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

SF 2234 - Child Visitation Uniform Weekends (LSB 5143 SV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

Senate File 2234 adds new requirements related to child custody and visitation provisions. The Bill adds a new section to Chapter 598, Code of Iowa, that any custody order must include a minimum visitation order, unless the court finds that it would not be in the best interest of the child. The Bill also amends Chapter 600B, Code of Iowa, stating that when the court enters an order for paternity and child support, they must also issue an order for custody and visitation.

Assumptions

1. Annually, the Judicial Branch issues approximately 10,000 dissolution cases involving children.
2. Under current law, temporary visitation orders are issued in all cases, but information on the visitation schedules is unknown.
3. Up to 50.0% of visitation orders will not provide for alternating weekends, and one party will object to standardized visitation. This would result in each case increasing court time by approximately 15 to 30 minutes.
4. Up to 50.0% of dissolutions currently granted would be contested. The fiscal impact would range from \$0 to \$143,000.
5. In calendar year 2003, the Judicial Branch disposed of 5,600 paternity suits.
6. Under current law, visitation is discretionary on the part of the Judge.
7. Up to 50.0% of current paternity suits would have standardized visitation. The fiscal impact would range from \$0 to \$80,000.

Fiscal Impact

The estimated General Fund fiscal impact of SF 2234 for standardizing visitation in dissolutions and paternity cases ranges from \$0 to \$223,000 annually.

Sources

Judicial Branch
Department of Human Services

Dennis C Prouty

March 22, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

SENATE FILE 2234

H-8320

1 Amend Senate File 2234, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the word
4 "UNIFORM".

5 2. Page 1, by striking lines 3 through 6, and
6 inserting the following:

7 "In order to encourage compliance with a visitation
8 order, a temporary order for custody shall provide for
9 a minimum visitation schedule with the noncustodial
10 parent, unless the court determines that such
11 visitation is not in the best interest of the child."

12 3. Page 1, by striking lines 7 through 15, and
13 inserting the following:

14 "Sec. 2. Section 600B.40, unnumbered paragraph 1,
15 Code 2003, is amended to read as follows:

16 The mother of a child born out of wedlock whose
17 paternity has not been acknowledged and who has not
18 been adopted has sole custody of the child unless the
19 court orders otherwise. If a judgment of paternity is
20 entered, the father may petition for rights of
21 visitation or custody in the same paternity action or
22 in an equity proceeding separate from any action to
23 establish paternity."

By COMMITTEE ON JUDICIARY
MADDOX of Polk, Chairperson

H-8320 FILED MARCH 25, 2004

**HOUSE AMENDMENT TO
SENATE FILE 2234**

S-5235

1 Amend Senate File 2234, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the word
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20 entered, the father may petition for rights of
21 visitation or custody in the same paternity action or
22 in an equity proceeding separate from any action to
23 establish paternity."

RECEIVED FROM THE HOUSE

S-5235 FILED MARCH 31, 2004

Miller
Redfern
McCoy

SSB#3120

Judiciary

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

SF / HF 2234

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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4 of visitation with the noncustodial parent on alternating
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10 the defendant declaring paternity and ordering support of the
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SENATE FILE 2234

AN ACT

RELATING TO CHILD CUSTODY AND VISITATION PROVISIONS.

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

Section 1. NEW SECTION. 598.14B CHILD VISITATION -- TEMPORARY CUSTODY ORDERS.

In order to encourage compliance with a visitation order, a temporary order for custody shall provide for a minimum visitation schedule with the noncustodial parent, unless the court determines that such visitation is not in the best interest of the child.

Sec. 2. Section 600B.40, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The mother of a child born out of wedlock whose paternity has not been acknowledged and who has not been adopted has sole custody of the child unless the court orders otherwise. If a judgment of paternity is entered, the father may petition for rights of visitation or custody in the same paternity

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2234, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor