

Senate File 2072 - Introduced

SENATE FILE _____
BY WARNSTADT, BEALL, HANCOCK,
HECKROTH, RAGAN, OLIVE,
SCHOENJAHN, STEWART, HOGG,
APPEL, COURTNEY, DOTZLER,
MULDER, SEYMOUR, QUIRMBACH,
and GASKILL

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

A BILL FOR

1 An Act relating to modification of a child custody order during
2 the time a parent is serving active military duty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5079XS 82
5 pf/rj/5

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1 1 Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD
1 2 CUSTODY == ACTIVE MILITARY DUTY.
1 3 If an application for modification of a decree or a
1 4 petition for modification of an order regarding child custody
1 5 is filed during the time a parent is serving active duty in
1 6 the military service of this state or of the United States,
1 7 the court may only enter an order temporarily modifying the
1 8 existing child custody order if there is clear and convincing
1 9 evidence that the modification is in the best interest of the
1 10 child. Upon the parent's completion of active duty, the court
1 11 shall reinstate the custody order that was in effect
1 12 immediately preceding the period of active duty. If an
1 13 application for modification of a decree or a petition for
1 14 modification of an order is filed after a parent completes
1 15 active duty, the parent's absence due to active duty does not
1 16 constitute a substantive change in circumstances, and the
1 17 court shall not consider a parent's absence due to that active
1 18 duty in making a determination regarding the best interest of
1 19 the child.

EXPLANATION

1 21 This bill relates to modification of a child custody order
1 22 under circumstances in which a parent is serving active duty
1 23 in the military service of the state or of the United States.
1 24 The bill provides that if an application for modification of a
1 25 decree or a petition for modification of an order regarding
1 26 child custody is filed during the time a parent is serving
1 27 active duty in the military service of this state or of the
1 28 United States, the court may only enter an order temporarily
1 29 modifying the existing child custody order if there is clear
1 30 and convincing evidence that the modification is in the best
1 31 interest of the child. Once the parent returns from active
1 32 duty, the court is directed to reinstate the custody order
1 33 that was in effect immediately preceding the period of active
1 34 duty. Additionally, if an application for modification of
1 35 child custody is filed after a parent returns from active
2 1 duty, the bill provides that the parent's absence due to the
2 2 active duty does not constitute a substantive change in
2 3 circumstances and the court shall not consider a parent's
2 4 absence due to that active duty in the determination of the
2 5 best interest of the child.
2 6 LSB 5079XS 82
2 7 pf/rj/5