

Senate File 264 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 33)

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

A BILL FOR

1 An Act relating to grandparent and great-grandparent visitation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1741SV 82
4 pf/je/5

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1 1 Section 1. NEW SECTION. 600C.1 GRANDPARENT AND
1 2 GREAT-GRANDPARENT VISITATION.
1 3 1. The grandparent or great-grandparent of a minor child
1 4 may petition the court for grandchild or great-grandchild
1 5 visitation.
1 6 2. The court shall consider a fit parent's objections to
1 7 granting visitation under this section. A rebuttable
1 8 presumption arises that a fit parent's decision to deny
1 9 visitation to a grandparent or great-grandparent is in the
1 10 best interest of a minor child.
1 11 3. The court may grant visitation to the grandparent or
1 12 great-grandparent if the court finds all of the following by
1 13 clear and convincing evidence:
1 14 a. The grandparent or great-grandparent has established a
1 15 substantial relationship with the child prior to the filing of
1 16 the petition.
1 17 b. The parent who is being asked to temporarily relinquish
1 18 care, custody, and control of the child to provide visitation
1 19 meets any of the following conditions:
1 20 (1) Is unfit to make the decision regarding visitation.
1 21 (2) Is a fit parent, but the parent's decision to deny
1 22 visitation poses substantial harm or potential substantial
1 23 harm to the child beyond the harm derived from the loss of the
1 24 helpful, beneficial influence of the grandparent or
1 25 great-grandparent.
1 26 c. It is in the best interest of the child to grant such
1 27 visitation.
1 28 4. For the purposes of this section, "court" means the
1 29 district court or the juvenile court if that court currently
1 30 has jurisdiction over the child in a pending action. If an
1 31 action is not pending, the district court has jurisdiction.
1 32 Sec. 2. Section 600.11, subsection 2, paragraph e, Code
1 33 2007, is amended to read as follows:
1 34 e. A person who has been granted visitation rights with
1 35 the child to be adopted pursuant to section ~~598.35~~ 600C.1.
2 1 Sec. 3. Section 598.35, Code 2007, is repealed.
2 2 SF 264
2 3 pf:rj/cc/26