

**House File 2089 - Introduced**

HOUSE FILE 2089

BY RIZER

**A BILL FOR**

1 An Act relating to temporary orders for custody involving the  
2 relocation of the residence of a minor child.

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

1 Section 1. Section 598.10, subsection 1, paragraph b, Code  
2 2016, is amended to read as follows:

3 ~~b. Unless the court determines that such visitation is~~  
4 ~~not in the best interest of the child, in order to encourage~~  
5 ~~compliance with a visitation order, a temporary order for~~  
6 ~~custody shall provide for a minimum visitation schedule with~~  
7 ~~the noncustodial parent, unless the court determines that such~~  
8 ~~visitation is not in the best interest of the child and, if~~  
9 ~~applicable, shall address the relocation of the residence of a~~  
10 ~~minor child to a location that is fifty miles or more from the~~  
11 ~~residence of the minor child at the time the application for a~~  
12 ~~temporary order is filed.~~

13 Sec. 2. Section 598.11, subsection 2, Code 2016, is amended  
14 to read as follows:

15 2. Subject to 28 U.S.C. §1738B, after notice and hearing,  
16 subsequent changes in temporary orders may be made by the court  
17 on application of either party demonstrating a substantial  
18 change in the circumstances occurring subsequent to the  
19 issuance of such order. The relocation of a minor child to a  
20 location which is fifty miles or more from the residence of  
21 the minor child at the time the temporary order for custody  
22 was awarded is deemed a substantial change in circumstances,  
23 and, on application of either parent and after notice and  
24 hearing, the court shall modify the temporary order for custody  
25 to preserve as nearly as possible the existing relationship  
26 between the minor child and the nonrelocating parent. If the  
27 order is not so modified, it shall continue in force and effect  
28 until the action is dismissed or a decree is entered dissolving  
29 the marriage.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill amends provisions relating to temporary orders for  
34 child custody when the relocation of the residence of a minor  
35 child is involved. The bill provides that, unless the court

1 determines that such visitation is not in the best interest of  
2 the child, any initial temporary order for custody of a minor  
3 child shall address the relocation of the residence of the  
4 minor child to a location that is 50 miles or more from the  
5 residence of the minor child at the time the application for a  
6 temporary order is filed.

7 Subsequent to the issuance of a temporary order for custody,  
8 and prior to the underlying action being dismissed or a decree  
9 being entered to dissolve the marriage, the relocation of the  
10 residence of a minor child to a location which is 50 miles or  
11 more from the residence of the minor child at the time the  
12 temporary order for custody was awarded is deemed a substantial  
13 change in circumstances, and, on application of either parent  
14 and after notice and hearing, the court shall modify the  
15 temporary order for custody to preserve as nearly as possible  
16 the existing relationship between the minor child and the  
17 nonrelocating parent.

18 Current law (Code section 598.21D) provides that if a parent  
19 awarded joint legal custody and physical care or sole legal  
20 custody is relocating the residence of a minor child to a  
21 location which is 150 miles or more from the residence of the  
22 minor child at the time custody was awarded, the court may  
23 consider the relocation a substantial change in circumstances.  
24 If the court does determine such relocation to be a substantial  
25 change in circumstances, the court shall modify the custody  
26 order to, at a minimum, preserve, as nearly as possible,  
27 the existing relationship between the minor child and the  
28 nonrelocating parent.