

House File 253 - Introduced

HOUSE FILE 253

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 30)

A BILL FOR

1 An Act relating to proceedings and actions regarding paternity
2 and the obligation for support.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600B.37, Code 2017, is amended to read
2 as follows:

3 **600B.37 Contempt.**

4 If ~~the father~~ a party fails to comply with or violates the
5 terms or conditions of ~~a support~~ an order made pursuant to the
6 ~~provisions of this chapter~~, the ~~father~~ party shall be held in
7 contempt and punished by the court in the same manner and to
8 the same extent as is provided by law for a contempt of such
9 court in any other suit or proceeding cognizable by such court.

10 Sec. 2. NEW SECTION. **600B.37A Action for default or**
11 **contempt — costs.**

12 If an action is brought on the grounds that a party to an
13 order made pursuant to this chapter is in default or contempt
14 of the order, and the court determines that the party is in
15 default or contempt of the order, the costs of the proceeding,
16 including reasonable attorney fees, may be taxed against that
17 party.

18 Sec. 3. Section 600B.40, Code 2017, is amended to read as
19 follows:

20 **600B.40 Custody and visitation.**

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

28 2. In determining the visitation or custody arrangements
29 of a child born out of wedlock, if a judgment of paternity is
30 entered and the mother of the child has not been awarded sole
31 custody, section 598.41 shall apply to the determination, as
32 applicable, and the court shall consider the factors specified
33 in section 598.41, subsection 3, including but not limited to
34 the factor related to a parent's history of domestic abuse.

35 3. In a proceeding under this chapter to determine custody

1 or visitation or to modify a custody or visitation order,
2 section 598.15 shall apply to the parties.

3 EXPLANATION

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

6 This bill relates to paternity and the obligation of support
7 under Code chapter 600B.

8 The bill amends the Code section that requires a father who
9 fails to comply with or violates the terms or conditions of a
10 support order to be punished in the same manner and to the same
11 extent as provided by law for a contempt of the court in any
12 other suit or proceeding, to instead apply to a party, not only
13 a father, who fails to comply with or violates an order, not
14 only a support order, made pursuant to the provisions of the
15 Code chapter.

16 The bill also provides that when an action is brought on the
17 grounds that a party is in contempt or default of an order made
18 pursuant to the Code chapter, and the court determines that the
19 party is in contempt or default of the order, the costs of the
20 proceeding, including reasonable attorney fees, may be taxed
21 against that party.

22 The bill also amends the custody and visitation provisions
23 under Code chapter 600B, to provide that in a proceeding under
24 the Code chapter to determine custody or visitation or to
25 modify a custody or visitation order, the provision under Code
26 section 598.15, relating to the mandatory participation by the
27 parties in a court-approved course to educate and sensitize
28 the parties to the needs of any child or party during and
29 subsequent to the proceeding, is applicable to the parties.