

**House File 2322 - Introduced**

HOUSE FILE 2322  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 574)

**A BILL FOR**

1 An Act relating to the awarding of joint physical care of  
2 children to parents awarded joint legal custody.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.41, subsection 5, Code 2024, is  
2 amended to read as follows:

3 5. a. (1) If joint legal custody is awarded to both  
4 parents, the court may award joint physical care to both joint  
5 custodial parents upon the request of either parent.

6 (2) If joint legal custody is awarded to both parents, a  
7 parent requests joint physical care, and both joint custodial  
8 parents agree to joint physical care, the court shall award  
9 joint physical care to both joint custodial parents unless the  
10 court determines by clear and convincing evidence that joint  
11 physical care is unreasonable and not in the best interest of  
12 the child.

13 (3) Prior to ruling on the request for the award of joint  
14 physical care, the court may require the parents to submit,  
15 either individually or jointly, a proposed joint physical care  
16 parenting plan. A proposed joint physical care parenting plan  
17 shall address how the parents will make decisions affecting the  
18 child, how the parents will provide a home for the child, how  
19 the child's time will be divided between the parents and how  
20 each parent will facilitate the child's time with the other  
21 parent, arrangements in addition to court-ordered child support  
22 for the child's expenses, how the parents will resolve major  
23 changes or disagreements affecting the child including changes  
24 that arise due to the child's age and developmental needs, and  
25 any other issues the court may require.

26 (4) In making a determination regarding joint physical  
27 care, the court shall avoid gender bias and in addition to the  
28 factors specified in subsection 3, the court shall consider all  
29 of the following in determining whether joint physical care is  
30 in the best interest of the child:

31 (a) Continuity and stability of care of the child, including  
32 the historical care arrangement of the child between the  
33 parents.

34 (b) The ability of the parents to communicate with each  
35 other and demonstrate mutual respect.

1     (c) The degree of conflict between the parents.

2     (d) The degree to which the parents are in general agreement  
3 about their approach to daily decisions affecting the child.

4     (5) If the court denies the request for joint physical care,  
5 the determination shall be accompanied by specific findings of  
6 fact and conclusions of law, including the court's findings of  
7 fact in considering the factors under subparagraph (4), that  
8 the awarding of joint physical care is not in the best interest  
9 of the child.

10     *b.* If joint physical care is not awarded under paragraph  
11 "a", and only one joint custodial parent is awarded physical  
12 care, the parent responsible for providing physical care  
13 shall support the other parent's relationship with the child.  
14 Physical care awarded to one parent does not affect the other  
15 parent's rights and responsibilities as a joint legal custodian  
16 of the child. Rights and responsibilities as joint legal  
17 custodian of the child include but are not limited to equal  
18 participation in decisions affecting the child's legal status,  
19 medical care, education, extracurricular activities, and  
20 religious instruction.

21

#### EXPLANATION

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

24     This bill relates to the awarding of joint physical care of  
25 children to parents awarded joint legal custody.

26     The bill provides that if joint legal custody is awarded  
27 to both parents, a parent requests joint physical care, and  
28 both joint custodial parents agree to joint physical care, the  
29 court shall award joint physical care to both joint custodial  
30 parents unless the court determines by clear and convincing  
31 evidence that joint physical care is unreasonable and not in  
32 the best interest of the child. The bill provides that in  
33 making a determination regarding the awarding of joint physical  
34 care, the court shall avoid gender bias and, in addition to  
35 the existing factors the court is required to consider in

1 determining the best interest of the child relative to a joint  
2 custody arrangement, the court shall consider continuity and  
3 stability of care of the child, including the historical care  
4 arrangement of the child between the parents; the ability of  
5 the parents to communicate with each other and demonstrate  
6 mutual respect; the degree of conflict between the parents; and  
7 the degree to which the parents are in general agreement about  
8 their approach to daily decisions affecting the child.

9     If the court denies the request for joint physical care,  
10 the specific findings of fact and conclusions of law that must  
11 accompany the decision shall also include the court's findings  
12 of fact relating to the factors specified in the bill.