

Senate File 274 - Introduced

SENATE FILE 274

BY GARRETT

A BILL FOR

1 An Act relating to the awarding of joint custody and joint
2 physical care.

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

1 Section 1. Section 598.41, subsection 1, paragraph a, Code
2 2023, is amended to read as follows:

3 a. The court may provide for joint custody of the child by
4 the parties. The award of joint legal custody of the child
5 creates a rebuttable presumption that joint physical care is
6 in the best interest of the child. The court, insofar as is
7 reasonable and in the best interest of the child, shall order
8 the custody award, including liberal visitation rights where
9 appropriate, which will assure the child the opportunity for
10 the maximum continuing physical and emotional contact with
11 both parents after the parents have separated or dissolved
12 the marriage, and which will encourage parents to share the
13 rights and responsibilities of raising the child unless direct
14 physical harm or significant emotional harm to the child, other
15 children, or a parent is likely to result from such contact
16 with one parent.

17 Sec. 2. Section 598.41, subsection 5, paragraph a, Code
18 2023, is amended to read as follows:

19 a. If joint legal custody is awarded to both parents,
20 unless the presumption that joint physical care is in the best
21 interest of the child is rebutted, the court ~~may~~ shall award
22 joint physical care to both joint custodial parents upon the
23 request of either parent. Prior to ruling on the request for
24 the award of joint physical care, the court may require the
25 parents to submit, either individually or jointly, a proposed
26 joint physical care parenting plan. A proposed joint physical
27 care parenting plan shall address how the parents will make
28 decisions affecting the child, how the parents will provide
29 a home for the child, how the child's time will be divided
30 between the parents and how each parent will facilitate the
31 child's time with the other parent, arrangements in addition to
32 court-ordered child support for the child's expenses, how the
33 parents will resolve major changes or disagreements affecting
34 the child including changes that arise due to the child's age
35 and developmental needs, and any other issues the court may

1 require. If the court denies the request for joint physical
2 care, the determination shall be accompanied by specific
3 findings of fact and conclusions of law that the awarding of
4 joint physical care is not in the best interest of the child.

5

EXPLANATION

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

7

8 This bill relates to joint legal custody and joint physical
9 care of a child.

10 The bill provides that the award of a court of joint legal
11 custody of a child creates a rebuttable presumption that
12 joint physical care is in the best interest of the child.
13 Additionally, the bill provides that if joint legal custody
14 is awarded to both parents, unless the presumption that joint
15 physical care is in the best interest of the child is rebutted,
16 the court shall award joint physical care to both joint
17 custodial parents upon the request of either parent.