

**House File 347 - Introduced**

HOUSE FILE 347  
BY GUSTOFF

**A BILL FOR**

1 An Act relating to consideration of the educational setting of a  
2 minor child in a child custody proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 598.1, Code 2025, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 2A. "*Educational setting*" means a public  
4 school, an accredited nonpublic school, competent private  
5 instruction or independent private instruction in accordance  
6 with the provisions of chapter 299A, or any other method of  
7 educational instruction that satisfies the compulsory education  
8 requirements of chapter 299.

9 Sec. 2. Section 598.10, subsection 1, Code 2025, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. c. If the parents are in disagreement over  
12 a minor child's educational setting, the court shall consider  
13 the educational setting of the minor child in making a temporary  
14 order for custody. There is a rebuttable presumption that  
15 it is in the best interest of the minor child to remain in  
16 the educational setting in which the minor child was enrolled  
17 during the immediately preceding school year. The presumption  
18 is rebuttable only by a preponderance of the evidence that such  
19 educational setting is not in the best interest of the child.

20 Sec. 3. Section 598.41, Code 2025, is amended by adding the  
21 following new subsections:

22 NEW SUBSECTION. 4A. If joint legal custody is awarded to  
23 both parents, but the parents are in disagreement over a  
24 minor child's educational setting, the court shall consider,  
25 and include a provision in the custody order regarding, the  
26 educational setting of the minor child. There is a rebuttable  
27 presumption that it is in the best interest of the minor child  
28 to remain in the educational setting in which the minor child  
29 was enrolled during the immediately preceding school year. The  
30 presumption is rebuttable only by a preponderance of the evidence  
31 that such educational setting is not in the best interest of the  
32 child.

33 NEW SUBSECTION. 10. All orders relating to custody of a  
34 child shall specify the rights and responsibilities of each  
35 parent relative to the minor child's educational setting.

1 The order shall, at a minimum, specify a parent's rights  
2 and responsibilities regarding physical access to the child  
3 during the school day; access to records involving the health,  
4 education, and welfare of the child; decision-making authority  
5 including instances when parental consent or authorization is  
6 required; and the removal of the child from the premises of  
7 the educational setting during school hours. However, the order  
8 shall not require that a parent have physical access to a child  
9 during the school day or be allowed to remove the child from  
10 the premises of the educational setting during school hours  
11 if the child is being provided competent private instruction  
12 or independent private instruction in accordance with chapter  
13 299A. Any parent with legal custody of the child shall provide  
14 a copy of the order to the educational setting and to the school  
15 district of the child to whom the order applies.

16 EXPLANATION

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

19 This bill provides that in determining temporary custody  
20 orders or the award of joint legal custody for a minor child,  
21 if the parents are in disagreement over the minor child's  
22 educational setting, the court is to consider the educational  
23 setting of the minor child. In the case of awarding joint legal  
24 custody, the court is also to include a provision in the order  
25 regarding the educational setting of the minor child. There is  
26 a rebuttable presumption that it is in the best interest of the  
27 minor child to remain in the educational setting in which the  
28 minor child was enrolled during the immediately preceding school  
29 year. The presumption is rebuttable only by a preponderance  
30 of the evidence that such educational setting is not in the  
31 best interest of the child. The bill also defines "educational  
32 setting".

33 The bill directs that all orders relating to the custody of  
34 a child shall specify the rights and responsibilities of each  
35 parent relative to the minor child's educational setting and

1 specifies the minimum rights and responsibilities to be addressed  
2 in the order. The order shall not require that a parent have  
3 physical access to a child during the school day or be allowed to  
4 remove the child from the educational setting during school hours  
5 if the child is being provided competent private instruction or  
6 independent private instruction. The bill requires that any  
7 parent with legal custody of the child is to provide a copy of  
8 the order to the educational setting and to the school district  
9 of the child to whom the order applies.

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