

House Study Bill 300 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to requirements for a parent to obtain joint
2 physical custody of a child.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 598.41, subsection 5, Code 2025, 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. Prior to
6 ruling on the request for the award of joint physical care,
7 the court ~~may~~ shall require the parents to submit, either
8 individually or jointly, a proposed joint physical care parenting
9 plan. A proposed joint physical care parenting plan shall
10 address how the parents will make decisions affecting the child,
11 how the parents will provide a home for the child, how the
12 child's time will be divided between the parents and how each
13 parent will facilitate the child's time with the other parent,
14 arrangements in addition to court-ordered child support for the
15 child's expenses, how the parents will resolve major changes or
16 disagreements affecting the child including changes that arise
17 due to the child's age and developmental needs, and any other
18 issues the court may require.

19 (2) If the court denies the request for joint physical care,
20 the determination shall be accompanied by specific findings of
21 fact and conclusions of law that the awarding of joint physical
22 care is not in the best interest of the child, and list the
23 requirements the parent who was not awarded physical care of
24 a child must meet to be awarded joint physical care of the
25 child in the future. A parent's fulfillment of the requirements
26 listed by a court under this subparagraph shall be considered a
27 material and substantial change in circumstances for the purposes
28 of modifying an order awarding child custody.

29 b. If joint physical care is not awarded under paragraph "a",
30 and only one joint custodial parent is awarded physical care,
31 the parent responsible for providing physical care shall support
32 the other parent's relationship with the child. Physical care
33 awarded to one parent does not affect the other parent's rights
34 and responsibilities as a joint legal custodian of the child.
35 Rights and responsibilities as joint legal custodian of the child

1 include but are not limited to equal participation in decisions
2 affecting the child's legal status, medical care, education,
3 extracurricular activities, and religious instruction. A parent
4 awarded physical care of a child shall not intentionally impede
5 the other parent from fulfilling requirements listed by a court
6 under paragraph "a", subparagraph (2).

7 EXPLANATION

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

10 This bill relates to requirements for a parent to obtain joint
11 physical custody of a child.

12 Under current law, a court may require parents awarded joint
13 legal custody of a child in a dissolution of marriage proceeding
14 to submit a proposed joint physical care parenting plan. The
15 bill requires the parents to submit a proposed joint physical
16 care parenting plan.

17 If a court denies a request for joint physical care of a
18 child, the bill requires the court to list the requirements
19 the parent who was not awarded physical care of a child must
20 meet to be awarded joint physical care of the child in the
21 future. A parent's fulfillment of the listed requirements shall
22 be considered a material and substantial change in circumstances
23 for the purposes of modifying an order awarding child custody.
24 The bill prohibits the parent awarded physical care of the child
25 from intentionally impeding the other parent from fulfilling the
26 listed requirements.