

Senate File 182 - Introduced

SENATE FILE 182
BY TAYLOR

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 the type
4 of educational environment, not a specific school or other
5 geographic location, in which education is conducted.
6 "Educational setting" includes a public school, an accredited
7 nonpublic school, competent private instruction or independent
8 private instruction in accordance with the provisions of chapter
9 299A, or any other method of educational instruction that
10 satisfies the compulsory education requirements of chapter 299.

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

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

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

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

35 NEW SUBSECTION. 10. All orders relating to custody of a

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

18 EXPLANATION

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

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

35 The bill directs that all orders relating to the custody of

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

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