SENATE FILE 515
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 182)

(As Amended and Passed by the Senate April 9, 2025)

_____ = New Language by the Senate

A BILL FOR

An Act relating to consideration of the educational setting of a minor child in a child custody proceeding.

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

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

NEW SUBSECTION. 2A. *"Educational setting"* means the type of educational environment, not a specific school or other geographic location, in which education is conducted. *"Educational setting"* includes a public school, an accredited nonpublic school, competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, or any other method of educational instruction that satisfies the compulsory education requirements of chapter 299.

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

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

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

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

NEW SUBSECTION. 10. All orders relating to custody of a child shall specify the rights and responsibilities of each parent relative to the minor child's educational setting. The order shall, at a minimum, specify a parent's rights and responsibilities regarding physical access to the child during the school day; access to records involving the health, education, and welfare of the child; decision-making authority including instances when parental consent or authorization is required; and the removal of the child from the premises of the educational setting during school hours. However, a parent shall not have access to the home of the other parent during the provision of competent private instruction or independent private instruction of the minor child in accordance with chapter 299A. Any parent with legal custody of the child shall provide a copy of the order to the educational setting and to the school district of the child to whom the order applies.