

9. The board, in its discretion and in lieu of issuing or enforcing an order or imposing a civil penalty for an initial violation under this section, may enter into a consent agreement with a violator, or with a person who aided or abetted a violator, which acknowledges the violation and the violator's agreement to refrain from any further violation.

Approved May 17, 2004

CHAPTER 1169

CUSTODY AND CARE OF CHILDREN — AWARDS OF PHYSICAL CARE

H.F. 22

AN ACT relating to the awarding of joint physical care of a child.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 598.41, subsection 5, Code 2003, is amended to read as follows:

5. ~~a. Joint physical care may be in the best interest of the child, but if joint legal custody does not require is awarded to both parents, the court may award joint physical care. When the court determines such action would be in the best interest of the child and would preserve the relationship between each parent and the child, joint physical care may be awarded to both joint custodial parents or physical care may be awarded to one joint custodial parent upon the request of either parent. If the court denies the request for joint physical care, the determination shall be accompanied by specific findings of fact and conclusions of law that the awarding of joint physical care is not in the best interest of the child.~~

b. If joint physical care is not awarded under paragraph "a", and only one joint custodial parent is awarded physical care, the parent responsible for providing physical care shall support the other parent's relationship with the child. Physical care awarded to one parent does not affect the other parent's rights and responsibilities as a joint legal custodian of the child. Rights and responsibilities as joint legal custodian of the child include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

Approved May 19, 2004