

598C.305 Grant of caretaking or decision-making authority to nonparent.

1. On motion of a deploying parent and in accordance with a law of this state other than [this chapter](#), if it is in the best interest of the child, a court may grant caretaking authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship.

2. Unless a grant of caretaking authority to a nonparent under [subsection 1](#) is agreed to by the other parent, the grant is limited to an amount of time not greater than one of the following:

a. The amount of time granted to the deploying parent under a permanent custody order, but the court may add unusual travel time necessary to transport the child.

b. In the absence of a permanent custody order that is currently in effect, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, but the court may add unusual travel time necessary to transport the child.

3. A court may grant part of a deploying parent's decision-making authority, if the deploying parent is unable to exercise that authority, to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. If a court grants the authority to a nonparent, the court shall specify the decision-making powers granted, including decisions regarding the child's education, religious training, health care, extracurricular activities, and travel.

4. In determining the best interest of the child, the court shall ensure all of the following:

a. That the specified adult family member or adult with whom the child has a close and substantial relationship is not a sex offender as defined in [section 692A.101](#).

b. That the specified adult family member or adult with whom the child has a close and substantial relationship does not have a history of domestic abuse, as defined in [section 236.2](#). In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to [section 236.3](#), the issuance of a protective order against the individual or the issuance of a court order or consent agreement pursuant to [section 236.5](#), the issuance of an emergency order pursuant to [section 236.6](#), the holding of an individual in contempt pursuant to [section 664A.7](#), the response of a peace officer to the scene of alleged domestic abuse or the arrest of an individual following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to [section 708.2A](#).

c. That the specified adult family member or adult with whom the child has a close and substantial relationship does not have a record of founded child or dependent adult abuse.

d. That the specified adult family member or adult has established a close and substantial relationship with the child and that granting caretaking authority or decision-making authority to the specified individual will provide the child the opportunity to maintain an ongoing relationship that is important to the child.

e. That the specified adult family member or adult with whom the child has a close and substantial relationship demonstrates an ability to personally and financially support the child and will support the child's relationship with both of the child's parents during the grant of caretaking authority or decision-making authority.

[2016 Acts, ch 1084, §17](#)