

JAN 10 2001

JUDICIARY

HOUSE FILE **37**  
BY BODDICKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the posting of a cash bond for noncompliance  
2 with the visitation provisions of a custody order.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**HF 37**

1 Section 1. Section 598.21, subsection 8A, Code 2001, is  
2 amended to read as follows:

3 8A. If a parent awarded joint legal custody and physical  
4 care or sole legal custody is relocating the residence of the  
5 minor child to a location which is one hundred fifty miles or  
6 more from the residence of the minor child at the time that  
7 custody was awarded, the court may consider the relocation a  
8 substantial change in circumstances. If the court determines  
9 that the relocation is a substantial change in circumstances,  
10 the court shall modify the custody order to, at a minimum,  
11 preserve, as nearly as possible, the existing relationship  
12 between the minor child and the nonrelocating parent. If  
13 modified, the order may include a provision for extended  
14 visitation during summer vacations and school breaks and  
15 scheduled telephone contact between the nonrelocating parent  
16 and the minor child. The modification may include a provision  
17 assigning the responsibility for transportation of the minor  
18 child for visitation purposes to either or both parents. ~~If~~  
19 ~~the court makes a finding of past interference by the parent~~  
20 ~~awarded joint legal custody and physical care or sole legal~~  
21 ~~custody with the minor child's access to the other parent, the~~  
22 The court may order the posting of a cash bond to assure  
23 ~~future~~ compliance with the visitation provisions of the  
24 decree. The supreme court shall prescribe guidelines for the  
25 forfeiting of the bond and restoration of the bond following  
26 forfeiting of the bond.

27 Sec. 2. Section 598.23, subsection 2, Code 2001, is  
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. e. Requires the posting of a cash bond to  
30 assure compliance with visitation provisions of a custody  
31 order.

32 Sec. 3. Section 598.41, Code 2001, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 9. The court may include a provision in  
35 the custody order to require the posting of a cash bond to

1 assure compliance with the visitation provisions of the order.  
2 The supreme court shall prescribe guidelines for the  
3 forfeiting of the bond and restoration of the bond following  
4 forfeiting of the bond.

5 EXPLANATION

6 This bill provides for the posting of a cash bond to assure  
7 compliance with the visitation provisions of a custody order.  
8 The bill provides that as an alternative for punishment for  
9 contempt of court, the court may issue an order requiring the  
10 posting of a cash bond to assure compliance with visitation  
11 provisions of an order. The bill also establishes the  
12 provision for posting of a cash bond if a parent is relocating  
13 and an order is modified due to the relocation, and  
14 establishes a general provision for the posting of a cash bond  
15 under the section relating to custody orders.

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