

MAR 2 2001

JUDICIARY

HOUSE FILE 482
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the requirement of mediation when a custody
2 arrangement is disputed.

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

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HF 482

1 Section 1. Section 598.7A, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Notwithstanding the provisions of this
4 section providing discretion to the court in ordering
5 mediation, unless the court determines that a history of
6 domestic abuse exists as specified in section 598.41,
7 subsection 3, paragraph "j", or unless the court determines
8 that direct physical harm or significant emotional harm to the
9 child, other children, or a parent is likely to result, the
10 court shall require the parties to participate in mediation in
11 any dissolution of marriage action or other domestic relations
12 action which involves custody of a child.

13 Sec. 2. Section 598.41, subsection 2, paragraph d, Code
14 2001, is amended to read as follows:

15 d. Before ruling upon the joint custody petition in these
16 cases, unless the court determines that a history of domestic
17 abuse exists as specified in subsection 3, paragraph "j", or
18 unless the court determines that direct physical harm or
19 significant emotional harm to the child, other children, or a
20 parent is likely to result, the court ~~may~~ shall require the
21 parties to participate in custody mediation to determine
22 whether joint custody is in the best interest of the child.
23 The court may require the child's participation in the
24 mediation insofar as the court determines the child's
25 participation is advisable.

26 Sec. 3. Section 598.41, subsection 8, Code 2001, is
27 amended to read as follows:

28 8. If an application for modification of a decree or a
29 petition for modification of an order is filed, based upon
30 differences between the parents regarding the custody
31 arrangement established under the decree or order, unless the
32 court determines that a history of domestic abuse exists as
33 specified in subsection 3, paragraph "j", or unless the court
34 determines that direct physical harm or significant emotional
35 harm to the child, other children, or a parent is likely to

1 result, the court ~~may~~ shall require the parents to participate
2 in mediation to attempt to resolve the differences between the
3 parents.

4 EXPLANATION

5 This bill provides for mandatory participation in mediation
6 in proceedings relating to custody of a child. The bill
7 requires mediation in dissolution of marriage and other
8 domestic relations actions which involve custody of a child.
9 The bill also provides that in the determination of a custody
10 arrangement, whether initially or at the time of modification
11 of a decree or order, if the parents do not agree, the court
12 is required to order the parents to participate in mediation
13 to resolve their differences. The requirement does not apply
14 if the court determines that a history of domestic abuse
15 exists or if the court determines that direct physical harm or
16 significant emotional harm to the child, other children, or a
17 parent is likely to result.

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