

HOUSE FILE 2074
BY ATTEBERRY

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

A BILL FOR

1 An Act relating to consideration of certain factors in the
2 awarding of custody of children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section 598.41, subsection 1, paragraph c, Code
2 2001, is amended to read as follows:

3 c. The court shall consider the denial by one parent of
4 the child's opportunity for maximum continuing contact with
5 the other parent, without just cause, a significant factor in
6 determining the proper custody arrangement. Just cause may
7 include a determination by the court pursuant to subsection 3,
8 paragraph "j", that a history of domestic abuse exists between
9 the parents. However, in determining each parent's ability
10 and willingness to provide maximum continuing physical and
11 emotional contact with both parents, the court shall not focus
12 on each parent's relationship with the other parent, but shall
13 focus on maintaining the stability of the existing
14 relationship of the child with each parent. In determining
15 the existing relationship between the child and each parent,
16 the court shall consider objective evidence including each
17 parent's past performance and potential for future performance
18 of parenting functions.

19 Sec. 2. Section 598.41, Code 2001, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 3A. In considering the factors specified
22 in subsection 3, the court shall not focus on each parent's
23 relationship with the other parent, but shall focus on
24 maintaining the stability of the existing relationship of the
25 child with each parent. In determining the existing
26 relationship between the child and each parent, the court
27 shall consider objective evidence including each parent's past
28 performance and potential for future performance of parenting
29 functions.

30

EXPLANATION

31 This bill provides that in considering the award of joint
32 custody of a child, the court is not to focus on each parent's
33 relationship with the other parent, but on maintaining the
34 stability of the existing relationship of the child with each
35 parent. The bill directs that in determining the existing

1 relationship between the child and each parent, the court
2 shall consider objective evidence including each parent's past
3 performance and potential for future performance of parenting
4 functions.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35