

JUDICIARY

FILED JAN 17 '01

SENATE FILE 34

BY LAMBERTI

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

A BILL FOR

1 An Act relating to the awarding of joint physical care of
2 children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 34
JUDICIARY

1 Section 1. Section 598.41, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. Notwithstanding subsection 5, if the
4 parents agree to joint physical care, the court shall award
5 joint physical care to both joint custodial parents if the
6 court determines through inquiry that the agreement is made
7 voluntarily and intelligently, unless the court determines
8 that such an action is not in the best interest of the child.
9 If the parents agree to joint physical care, the court shall
10 not require the parents to present any evidence to determine
11 if joint physical care is in the best interest of the child.

12 EXPLANATION

13 This bill provides that in determining the custody
14 arrangements relating to a child, if the parents agree to
15 joint physical care, the court shall award joint physical care
16 to both joint custodial parents if the court determines
17 through inquiry that the agreement is made voluntarily and
18 intelligently, unless the court determines that the action is
19 not in the best interest of the child. Additionally, the bill
20 provides that if the parents agree to joint physical care, the
21 court is not to require the parents to present evidence to
22 determine if joint physical care is in the best interest of
23 the child.

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