

FILED FEB 6 '01

SENATE FILE 128  
BY HAMMOND

(COMPANION TO LSB  
2125HH BY GREIMANN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the consideration of the historical  
2 performance of caretaking functions in the awarding of custody  
3 of a child.

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

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SF 128  
JUDICIARY

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

3 NEW SUBSECTION. 4A. If both parents are deemed by the  
4 court to be capable of adequately providing for the routine  
5 care of the child, the court, in ordering the award of custody  
6 or physical care, shall give primary consideration to the  
7 historical performance, by a parent, of caretaking functions  
8 relating to the routine care of the child without regard to  
9 the income or income source of that parent.

10 As used in this subsection, "caretaking functions" means  
11 tasks that involve interaction with the child or care of the  
12 child, including the direction of interaction and care by  
13 others. Caretaking functions include all of the following:

14 a. Feeding, bedtime and morning routines, care of the  
15 child when sick or injured, bathing, grooming, personal  
16 hygiene, dressing, recreation and play, physical safety,  
17 transportation, and other functions that meet the daily  
18 physical needs of the child.

19 b. Direction of the child's various developmental needs,  
20 including the acquisition of motor and language skills, toilet  
21 training, self-confidence, and maturation.

22 c. Discipline, instruction in manners, and assignment and  
23 supervision of chores and other tasks that address the child's  
24 needs for behavioral control and self-restraint.

25 d. Arrangements for the child's education, including  
26 remedial or special services appropriate to the child's needs  
27 and interests, communication with teachers and counselors, and  
28 supervision of homework.

29 e. The development and maintenance of appropriate  
30 interpersonal relationships with peers, siblings, and adults.

31 f. Arrangements for health care, including scheduling  
32 appointments, communication with health care providers,  
33 medical follow-up, and home health care.

34 g. Moral guidance.

35 h. Arrangement of alternative care by a family member,

1 babysitter, or other child care provider or facility,  
2 including investigation of alternatives, communication with  
3 providers, and supervision.

4 EXPLANATION

5 This bill provides that if both parents are deemed by the  
6 court to be capable of adequately providing for the routine  
7 care of the child, the court, in awarding custody or physical  
8 care of a child, is required to give primary consideration to  
9 the historical performance, by a parent, of caretaking  
10 functions relating to the routine care of the child. In this  
11 determination, the court is directed to disregard the income  
12 or income source of that parent. The bill defines "caretaking  
13 functions".

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