

FILED JAN 12 2006

HUMAN RESOURCES

SENATE FILE 2031

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

A BILL FOR

1 An Act relating to grandparent and great-grandparent visitation.

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

HUMAN RESOURCES

SF 2031

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TL5B 5257SS 81

pf/je/5

1 Section 1. Section 598.35, Code 2005, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 598.35 GRANDPARENT -- GREAT-GRANDPARENT -- VISITATION.

5 1. The grandparent or great-grandparent of a minor child
6 may petition the district court for grandchild or great-
7 grandchild visitation.

8 2. In order to give deference to the decisions of a fit
9 parent, the district court shall consider the fit parent's
10 objections to granting visitation under this section. A
11 rebuttable presumption arises that a fit parent's decision to
12 deny visitation to a grandparent or great-grandparent is in
13 the best interest of a minor child and will not pose
14 substantial harm or potential substantial harm to the minor
15 child.

16 3. The district court may grant visitation to the
17 grandparent or great-grandparent if the district court finds
18 all of the following by clear and convincing evidence:

19 a. The grandparent or great-grandparent has established a
20 substantial relationship with the child, prior to the filing
21 of the petition.

22 b. The parent who is being asked to give up care, custody,
23 and control of the child to provide visitation is unfit to
24 make the decision regarding visitation, or a fit parent's
25 decision to deny visitation poses substantial harm or
26 potential substantial harm to the child beyond the harm
27 derived from the loss of the helpful, beneficial influence of
28 the grandparent or great-grandparent.

29 c. It is in the best interest of the child to grant such
30 visitation.

31 4. Visitation granted to a grandparent or a great-
32 grandparent prior to July 1, 2006, shall not be affected by
33 this section.

34 EXPLANATION

35 This bill replaces the current grandparent and great-

1 grandparent visitation provisions. Under the bill, a
2 grandparent or great-grandparent of a minor child may petition
3 the district court for visitation. In order to give deference
4 to the decisions of a fit parent, the district court is
5 required to consider the fit parent's objections to granting
6 visitation, and there is a rebuttable presumption that a fit
7 parent's decision to deny visitation to a grandparent or
8 great-grandparent is in the best interest of the minor child
9 and will not pose substantial harm or potential substantial
10 harm to the minor child.

11 The district court may grant visitation if the court finds
12 by clear and convincing evidence that: the grandparent or
13 great-grandparent has established a substantial relationship
14 with the child prior to the filing of the petition; the parent
15 who is being asked to give up care, custody, and control of
16 the child to provide visitation is unfit to make that decision
17 or a fit parent's decision to deny visitation poses
18 substantial harm or potential substantial harm to the child
19 beyond the harm derived from the loss of the helpful,
20 beneficial influence of the grandparent or great-grandparent;
21 and it is in the best interest of the child to grant such
22 visitation. Under the bill, visitation granted to a
23 grandparent or a great-grandparent prior to July 1, 2006, is
24 not affected.

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