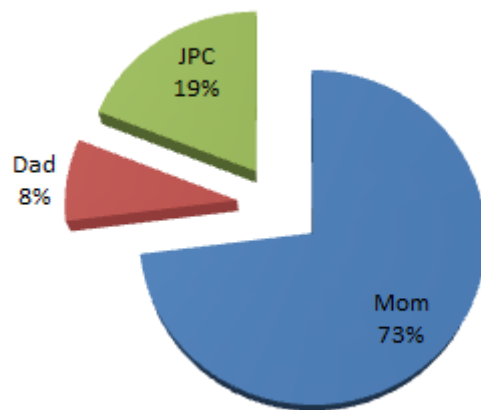


2011 Iowa Child Custody Study Results



Bryan Iehl M.S.
May 2012

Introduction:

This section reveals and discusses my findings from conducting my applied research study on child custody awarding's in the State of Iowa. Specifically I conducted my study in Greene, Clinton, and Polk Counties which consisted of a total of 780 cases from January of 2011 through the first week of November 2011 filed under Iowa Code 598 Dissolution of Marriage. The cases were reviewed and documented to determine if Joint Physical Care, mom, or dad was awarded as the primary care arrangement in the final ruling and whether the order was decreed or stipulated.

Polk County Results:

Combination of Decreed & Stipulated case findings:

- 25% of the cases decreed and 75% stipulated.
- JPC was awarded 26% overall of which a judge decreed 12% of the time and the parties stipulated to 88% of the time.
- Mom was awarded primary physical placement 68% overall of which a judge decreed 30% of the time and the parties stipulated to 70% of the time.
- **Dad was awarded primary physical placement 6% overall** of which a judge decreed 24% of the time and the parties stipulated to 76% of the time.

Decreed findings:

- Mom was granted primary physical placement 82%
- Dad was awarded primary physical placement 6%
- JPC was awarded 12% of the time.

Stipulated findings:

- Mom was granted primary physical placement 63%
- Dad was awarded primary physical placement 7%
- JPC was awarded 30% of the time.

Child Custody Awards by Judge (25 case minimum to be included):

- Judge Schemmel in 210 cases reviewed overall awarded JPC 26%, mom primary physical care 70%, and dad primary physical care 4% of the time. Judge Schemmel when issuing decreed rulings awarded JPC 14%, mom primary physical care 86%, and dad primary physical care 0% of the time.
- Judge McCall in 159 cases reviewed overall awarded JPC 29%, mom primary physical care 64%, and dad primary physical care 7% of the time. Judge McCall when issuing decreed rulings awarded JPC 17%, mom primary physical care 80%, and dad primary physical care 3% of the time.

- Judge Hefner in 64 cases reviewed overall awarded JPC 30%, mom primary physical care 64%, and dad primary physical care 6% of the time. Judge Hefner when issuing decreed rulings awarded JPC 15%, mom primary physical care 85%, and dad primary physical care 0% of the time.
- Judge Rickers in 34 cases reviewed overall awarded JPC 35%, mom primary physical care 50%, and dad primary physical care 15% of the time. Judge Rickers when issuing decreed rulings awarded JPC 11%, mom primary physical care 67%, and dad primary physical care 22% of the time.

Clinton County Results:

Combination of Decreed & Stipulated case findings:

- 63% of the cases were decreed and 38% were stipulated.
- JPC was awarded 31% overall of which a judge decreed 60% of the time and the parties stipulated to 40% of the time.
- Mom was awarded primary physical placement 62% overall of which a judge decreed 63% of the time and the parties stipulated to 37% of the time.
- **Dad was awarded primary physical placement 7% overall** of which a judge decreed 62% of the time and the parties stipulated to 38% of the time.

Decreed findings:

- Mom was granted primary physical placement 63%
- Dad was awarded primary physical placement 7%
- JPC was awarded 30% of the time

Stipulated findings:

- Mom was granted primary physical placement 60%
- Dad was awarded primary physical placement 7%
- JPC was awarded 33% of the time.

Child Custody Awards by Judge (25 case minimum to be included):

- Judge Pelton in 25 cases reviewed overall awarded JPC 36%, mom primary physical care 60%, and dad primary physical care 4% of the time. Judge Pelton when issuing decreed rulings awarded JPC 47%, mom primary physical care 53%, and dad primary physical care 0% of the time.
- Judge Sivright in 34 cases reviewed overall awarded JPC 26%, mom primary physical care 71%, and dad primary physical care 3% of the time. Judge Sivright when issuing decreed rulings awarded JPC 17%, mom primary physical care 83%, and dad primary physical care 0% of the time.

Green County Results:

Combination of Decreed & Stipulated case findings (19 cases):

- Joint physical care was awarded 42%
- Mom was awarded primary physical placement 37%
- Dad was awarded primary physical placement 21%
- The parties stipulated 21% and it was decreed by a Judge 79% of the time.

No Judges from Greene County met minimum case criteria to be included in this study.

Analysis:

The information gathered from Clinton, Greene, and Polk Counties suggests that when a judge issues a decreed ruling, mom will be granted primary physical placement 73%, **dad will be awarded primary physical placement 8%**, and JPC will be awarded 19% of the time. Looking at this data from another perspective, the data shows that upon an application for divorce, **the courts only consider 27% of all divorcing fathers fit for raising their children in contested cases**. These judicial awards appear to contradict the “best interest of the child” standard as defined by Iowa Code 598.1(1) and suggests judicial bias along with the need for family law reform.