

SUPREME COURT OF IOWA

Santi v. Santi

633 N.W.2d 312 (Iowa 2001) · No. No. 00-0181 · Decided September 6, 2001

SUMMARY

The Iowa Supreme Court reviewed Iowa Code section 598.35(7), which authorized court-ordered grandparent visitation when visitation was unreasonably denied and was in the child's best interests. The court held that the statute facially violated article I, sections 8 and 9 of the Iowa Constitution because it permitted intrusion into the decisions of fit parents in an intact family without according those decisions a constitutional presumption or requiring a threshold finding of parental unfitness. The court affirmed dismissal of the grandparents' petition and deemed the parents' cross-appeal moot.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Neuman, Justice; Snell, Senior Judge
JURISDICTION	Iowa
DECIDED	September 6, 2001
DOCKET	No. 00-0181
DISPOSITION	affirmed
PROCEDURAL POSTURE	Grandparents appealed a district court decision dismissing their petition for court-ordered visitation under Iowa Code section 598.35(7) after the court held the statute facially unconstitutional. The parents cross-appealed related statutory findings; the Supreme Court affirmed the dismissal and held the cross-appeal moot.
STANDARD OF REVIEW	De novo review of substantive due process and liberty-interest questions in the context of statutory interpretation, including an independent evaluation of the totality of the circumstances.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Iowa; precedential state appellate authority.
PARTIES	Joe and Lois Santi v. Mike and Heather Santi

TOPICS

- grandparent rights
- family law procedure
- substantive due process
- strict scrutiny
- statutory interpretation

PRACTICE AREAS

family law

constitutional law

grandparent visitation

appellate procedure

QUESTIONS PRESENTED

1. Whether Iowa Code section 598.35(7), which permits court-ordered grandparent visitation when parents unreasonably refuse or restrict visitation and visitation is in the child's best interests, is facially unconstitutional under article I, sections 8 and 9 of the Iowa Constitution.
2. Whether the parental right to decide whether a child may associate with grandparents is a fundamental liberty interest requiring strict scrutiny.
3. Whether the statute advances a sufficiently compelling state interest and is narrowly tailored when it permits judicially ordered visitation over the objection of fit, married parents in an intact family.
4. Whether the parents' cross-appeal remained justiciable after the grandparents' visitation petition was dismissed.

HOLDINGS

1. The decision of fit, married parents in an intact family to oppose visitation by third parties implicates a fundamental parental liberty interest, so Iowa Code section 598.35(7) must be reviewed under strict scrutiny.
2. Iowa Code section 598.35(7) is facially unconstitutional under article I, sections 8 and 9 of the Iowa Constitution because it permits court-ordered grandparent visitation over the joint objection of fit, married parents in an intact nuclear family without first according a presumption favoring the parents' decision-making or requiring a threshold finding of parental unfitness.
3. The court did not decide whether substantive due process independently requires a showing of substantial harm before grandparent visitation may be ordered over parental opposition.

KEY QUOTATIONS

“We conclude that section 598.35(7) must be reviewed under a strict scrutiny standard.” (633 N.W.2d at 318)

“Without a threshold finding of unfitness, the statute effectively substitutes sentimentality for constitutionality.” (633 N.W.2d at 320)

“We believe that section 598.35(7) is fundamentally flawed, not because it fails to require a showing of harm, but because it does not require a threshold finding of parental unfitness before proceeding to the best interest analysis.” (633 N.W.2d at 321)

“We hereby interpret article I, sections 8 and 9 of the Iowa constitution to afford fit parents that same protection.” (633 N.W.2d at 321)

“We are convinced that fostering close relations between grandparents and grandchildren is not a sufficiently compelling state interest to justify court-ordered visitation over the joint objection of married parents in an intact nuclear family.” (633 N.W.2d at 321)

FACTUAL BACKGROUND

Joe and Lois Santi were the paternal grandparents of Taylor, a three-and-a-half-year-old child of Mike and Heather Santi, who were married and maintained an intact nuclear family. After recurring disagreements concerning family interactions and Taylor's care, communication broke down and the parents stopped permitting the grandparents to see Taylor for nearly a year. The grandparents sought court-ordered visitation, and the district court found a substantial prior relationship, unreasonable denial of visitation, and that visitation would serve Taylor's best interests.

PROCEDURAL HISTORY

Joe and Lois Santi petitioned for grandparent visitation. The district court initially ruled that they had statutory standing, conducted a two-day trial, and found that they had a substantial relationship with the child, that the parents had unreasonably denied visitation, and that visitation would be in the child's best interests. The court nevertheless held section 598.35(7) facially unconstitutional because it authorized judicially imposed visitation without a threshold finding of parental unfitness or harm to the child, and dismissed the petition. The Supreme Court of Iowa reviewed the constitutional issue de novo, affirmed, and deemed the parents' cross-appeal moot.

DISPOSITION

affirmed

CASES CITED

- Troxel v. Granville, 530 U.S. 57, 65-73 (2000)
- Stanley v. Fitzgerald, 580 N.W.2d 742, 744 (Iowa 1998)
- Iowa City v. Nolan, 239 N.W.2d 102, 103 (Iowa 1976)
- State v. Brumage, 435 N.W.2d 337, 342 (Iowa 1989)
- State v. Duncan, 414 N.W.2d 91, 96 (Iowa 1987)
- Callender v. Skiles, 591 N.W.2d 182, 187, 190 (Iowa 1999)
- Reno v. Flores, 507 U.S. 292, 301-02 (1993)
- Washington v. Glucksberg, 521 U.S. 702, 722 (1997)
- State v. Klawonn, 609 N.W.2d 515, 519 (Iowa 2000)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- Parham v. J.R., 442 U.S. 584, 602 (1979)
- Quilloin v. Walcott, 434 U.S. 246, 255 (1978)
- Wisconsin v. Yoder, 406 U.S. 205, 232 (1972)
- Stanley v. Illinois, 405 U.S. 645, 651 (1972)
- Prince v. Massachusetts, 321 U.S. 158, 166 (1944)
- Pierce v. Society of Sisters, 268 U.S. 510, 534-35 (1925)
- Meyer v. Nebraska, 262 U.S. 390, 399 (1923)
- In re Bruce, 522 N.W.2d 67, 71-72 (Iowa 1994)

- King v. King, 828 S.W.2d 630, 631-33 (Ky. 1992)
- Herndon v. Tuhey, 857 S.W.2d 203, 208-11 (Mo. 1993)
- R.T. v. J.E., 277 N.J. Super. 595, 650 A.2d 13, 15-16 (1994)
- Beagle v. Beagle, 678 So. 2d 1271, 1275-77 (Fla. 1996)
- Brooks v. Parkerson, 265 Ga. 189, 454 S.E.2d 769, 771, 773-74 (1995)
- In re Herbst, 971 P.2d 395, 398-99 (Okla. 1998)
- Hawk v. Hawk, 855 S.W.2d 573, 579-81 (Tenn. 1993)
- Lulay v. Lulay, 193 Ill. 2d 455, 250 Ill. Dec. 758, 739 N.E.2d 521, 534 (2000)
- Brice v. Brice, 133 Md. App. 302, 754 A.2d 1132, 1135-36 (2000)
- Rideout v. Riendeau, 761 A.2d 291, 301-03 (Me. 2000)
- In re G.P.C., 28 S.W.3d 357, 365-66 (Mo. Ct. App. 2000)
- Zablocki v. Redhail, 434 U.S. 374, 386 (1978)