

SUPREME COURT OF IOWA

Callender v. Skiles

623 N.W.2d 852 (Iowa 2001) · No. No. 00-0069 · Decided March 21, 2001

SUMMARY

The Iowa Supreme Court reviewed visitation awarded to a biological father after paternity was established and the established father's parental relationship was disestablished. The court upheld the visitation schedule under a best-interest-of-the-child analysis, including consideration of Iowa Code sections 600B.41A and 598.41. It modified the order requiring the child to be told of her biological parentage by leaving that decision to the custodial mother.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Snell, Justice; Ternus, Justice; Carter, Justice; Cady, Justice                                                                                                                                                                                                                                                  |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                                                             |
| DECIDED               | March 21, 2001                                                                                                                                                                                                                                                                                                   |
| DOCKET                | No. 00-0069                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Rebecca D. Skiles appealed the district court's post-remand determination establishing Charles Callender's paternity, granting him visitation with Samantha, and ordering that Samantha be told of her parentage before kindergarten.                                                                            |
| STANDARD OF REVIEW    | Questions of paternity are reviewed for legal error, with factual findings supported by substantial evidence binding on the appellate court. Ancillary custody and visitation determinations are reviewed de novo; the appellate court gives weight to, but is not bound by, the trial court's factual findings. |
| PRECEDENTIAL VALUE    | Published opinion; precedential                                                                                                                                                                                                                                                                                  |
| PARTIES               | Rebecca D. Skiles v. Charles E. Callender                                                                                                                                                                                                                                                                        |

TOPICS

- family law procedure
- paternity
- visitation
- parental rights
- appellate procedure

## PRACTICE AREAS

family law

constitutional law

appellate procedure

## QUESTIONS PRESENTED

1. Whether the district court improperly considered Iowa Code section 598.41's maximum-contact principle when determining visitation under Iowa Code section 600B.41A(6)(a)(2).
2. Whether the district court had authority to order when Samantha must be told that Callender is her biological father.

## HOLDINGS

1. A court determining visitation under Iowa Code section 600B.41A(6)(a)(2)'s best-interest standard may consider the maximum-continuing-contact principle in section 598.41, along with other established visitation principles and relevant case-specific factors; section 600B.41A's listed factors are not exclusive.
2. The district court should not have ordered a specific timeline for telling Samantha of her parentage; the decision was left to Rebecca Skiles as the sole custodial parent.

## KEY QUOTATIONS

*"In deciding visitation rights using a best interest of the child analysis under section 600B.41A(6)(a)(2), it is not improper for a court to consider other established principles of visitation."* (623 N.W.2d at 856)

*"The court is able to establish paternity and visitation by viewing what is in a child's best interest, but this does not mean that it should necessarily dictate when the child must be told of her paternity."* (623 N.W.2d at 857)

*"We modify the court's determination regarding when Samantha should be told of her parentage."* (623 N.W.2d at 857)

## FACTUAL BACKGROUND

Charles Callender had an intimate relationship with Rebecca Skiles while she was separated from her husband, Rick Skiles, who later reconciled with Rebecca and accepted Samantha as his child. Blood testing established that Callender was Samantha's biological father, but Samantha had an established parent-child relationship with Rick in the Skiles household. After the prior appeal and remand, the district court established Callender's paternity, terminated Rick's parental rights, and awarded Callender a graduated visitation schedule while ordering that Samantha be told of her parentage before kindergarten.

## PROCEDURAL HISTORY

In an earlier appeal, the Supreme Court of Iowa held that the statutory scheme improperly denied Callender a procedural mechanism to challenge paternity and remanded for consideration of paternity and whether a relationship with the child was in her best interest. On remand, the district court terminated Rick Skiles's parental rights, established Callender's paternity, ordered a visitation schedule, and imposed a timeline for

disclosure of the child's parentage. Rebecca Skiles appealed the visitation amount and disclosure order; the Supreme Court affirmed the visitation ruling and modified the disclosure ruling.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The district court's visitation and relationship determination remains in effect. The order imposing a deadline for informing Samantha of her parentage is modified, and the decision is left to Rebecca Skiles as sole custodial parent.

#### CASES CITED

- Callender v. Skiles, 591 N.W.2d 182 (Iowa 1999)
- In re Marriage of Forbes, 570 N.W.2d 757, 759 (Iowa 1997)
- Dye v. Geiger, 554 N.W.2d 538, 539 (Iowa 1996)
- In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983)
- Olds v. Olds, 356 N.W.2d 571, 574 (Iowa 1984)
- In re Marriage of Littlefield, 133 Wash. 2d 39, 940 P.2d 1362, 1371 (1997)
- Chant v. Chant, 725 So. 2d 445, 448 (Fla. Dist. Ct. App. 1999)

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