

IOWA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Iowa, there are 3 types of civil protection orders:

- Domestic Abuse Protection Orders** are available for individuals seeking protection from a family or household member (Iowa Code § 236.1 – 236.20).
- Sexual Abuse Protection Orders** are available for individuals seeking protection from any individual who committed sexual violence against them (Iowa Code § 236A.1-236A.20).
- Elder Abuse Orders of Protection** are available for adults over 60, or another on their behalf, seeking protection from physical harm, mental abuse, or financial abuse (Iowa Code § 235F.1-235F.8).

DOMESTIC ABUSE ACT

<p>Who can apply?</p>	<p>Any adult on their own behalf or a parent or guardian on behalf of a minor, who has been subjected to domestic abuse by someone with a specific relationship.</p> <p>See “Who can be Restrained?” for the types of relationships. <i>Iowa Code § 236.2(2) and § 236.3.</i></p> <p>Domestic abuse is defined as any of the following committed by someone in a specified relationship with the petitioner:</p> <ul style="list-style-type: none"> • An act causing, or attempting to cause pain or injury, or an act that puts someone in fear of such injury; • Intentionally pointing a firearm at a person or threatening use of any dangerous weapon while holding it; or • Intentionally pointing a laser toward another with the intent to cause pain or injury. <p><i>Iowa Code § 236.2(2); Iowa Code § 708.1.</i></p>
<p>Can minors apply?</p>	<p>Yes. However, a parent or guardian will have to seek the protective order on behalf of the unemancipated minor. <i>Iowa Code § 236.3.</i></p>
<p>Who can be restrained?</p>	<p>Any adult or minor who shares a specific relationship with the petitioner. The specified relationships are:</p> <ol style="list-style-type: none"> 1. Family or household members who reside together, or have resided together at any point in past year; 2. Separated or divorced spouses not residing together; 3. Parents of the same minor child; <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC ABUSE ACT

<p>Who can be restrained?</p>	<p>4. Persons who are in an intimate relationship or have been in such a relationship at any time within past year. <i>Iowa Code § 236.2(2-3)</i></p> <p>Family or household members include spouses, persons cohabiting, parents, or persons related by blood or affinity. <i>Iowa Code § 236.2(4)(a)-(b).</i></p> <p>To determine whether individuals are or were in an intimate relationship, a court can consider the duration of the relationship, frequency of interaction, whether the relationship has been terminated, and the nature of the relationship including each party’s expectation of sexual or romantic involvement. <i>Iowa Code § 236.2(4)(e).</i></p>
<p>What types of relief may a court order?</p>	<p>The court may issue a Temporary Protective Order with any of the following provisions:</p> <ul style="list-style-type: none"> • Protect petitioner from domestic abuse prior to hearing; • Award temporary custody or visitation rights; and • Dictate care, possession, or control of pets/companion animals. <p><i>Iowa Code § 236.4(2)-(4).</i></p> <p>The court may issue a Permanent Protective Order with any of the following provisions:</p> <ul style="list-style-type: none"> • No domestic abuse; • Prevent respondent from possessing weapons; • Grant possession of residence to petitioner; • Order respondent to stay away from petitioner’s residence, school, or place of work; <p style="text-align: right;"><i>continued on next page</i></p>

DOMESTIC ABUSE ACT

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Award temporary custody or visitation rights; • Order separate support/maintenance of the petitioner and minor children; • Grant petitioner exclusive care, possession, or control of pets or companion animals; or • Order professional counselling. <p><i>Iowa Code § 236.5.</i></p>
<p>How long does the order last?</p>	<p>A temporary order can be entered by the court after the petitioner files their petition and before the final hearing, upon good cause shown in an ex parte proceeding. This order lasts until the final hearing, between 5 and 15 days after the initial filing. <i>Iowa Code § 236.4(1-2).</i></p> <p>The final protective order can last up to 1 year. <i>Iowa Code § 236.5(3).</i></p> <p>An emergency protective order can also be granted by a district court judge when the court is unavailable (e.g., during the weekend). This order lasts no longer than 72 hours. <i>Iowa Code § 236.6(1-2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes. The court may extend the protective order at any time for up to 1 year, if it finds after a hearing that respondent continues to pose a threat to the safety of petitioner, persons residing with petitioner, or petitioner's immediate family. <i>Iowa Code § 236.5(3).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes, a hearing must be held within 5 and 15 days. <i>Iowa Code § 236.4(1).</i></p>

SEXUAL ABUSE ACT

<p>Who can apply?</p>	<p>Any adult or minor person subjected to sexual abuse. <i>Iowa Code § 236A.3(1).</i></p> <p>Sexual abuse is defined as a sex act between persons involving any of the following situations:</p> <ul style="list-style-type: none"> • The act was done by force or against the other person’s will; • The other person is unable to consent because of their mental capacity; • The other person is a child; • Incest; or • Sexual exploitation of a minor. <p><i>Iowa Code § 709.1(1)-(3), Iowa Code § 726.2 and Iowa Code § 728.12.</i></p>
<p>Can minors apply?</p>	<p>No, a minor will need a parent or guardian to seek the protective order on their behalf. <i>Iowa Code § 236A.3(1).</i></p>
<p>Who can be restrained?</p>	<p>Anyone regardless of age or relationship to the petitioner. <i>Iowa Code § 236A.3.</i></p>
<p>What types of relief may a court order?</p>	<ol style="list-style-type: none"> 1. Stop sexual abuse; 2. Respondent must stay away petitioner’s home, school, or place of work. <p><i>Iowa Code § 236A.7.</i></p> <p>See above for definition of sexual abuse.</p>
<p>How long does the order last?</p>	<p>A temporary order can be entered by the court after the petitioner files their petition and before the final hearing, upon good cause shown in an ex parte proceeding. This order lasts until the final hearing, between 5 and 15 days after the initial filing. <i>Iowa Code § 236A.6(1)-(2).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>

SEXUAL ABUSE ACT

<p>How long does the order last?</p>	<p>The final protective order can last up to 1 year. <i>Iowa Code § 236A.7(3).</i></p> <p>An emergency protective order can also be granted by a district court judge when the court is unavailable (e.g., during the weekend). This order lasts no longer than 72 hours. <i>Iowa Code § 236A.8(1)-(2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes. The Protective Order may be extended for up to 1 year. Petitioner may request an unlimited number of extensions. The court may extend the order if, after a hearing, the court finds that the respondent continues to pose a threat to the safety of the petitioner, petitioner's immediate family, or persons living with petitioner. <i>Iowa Code § 236A.7(3).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes, a hearing must be held between 5 and 15 days after the proceeding is commenced. <i>Iowa Code § 236A.6(1).</i></p>



ELDER ABUSE – ORDER OF PROTECTION

<p>Who can apply?</p>	<p>A vulnerable elder person [or a substitute petitioner on behalf of the elder person] who has been subjected to elder abuse. <i>Iowa Code § 235F.2.</i></p> <p>Vulnerable elder person means someone who is:</p> <ol style="list-style-type: none"> 1. Sixty years or older; and 2. Unable to protect themselves from elder abuse as a result of a mental/physical condition, or other personal circumstances which result in an increased risk of harm to that person. <p><i>Iowa Code § 235F.1(17).</i></p> <p>Substitute petitioner means: A family/household member, guardian, conservator, attorney in fact, guardian ad litem, or other interested persons. <i>Iowa Code § 235F.15.</i></p> <p>See “Who can be Restrained?” for the definition of elder abuse.</p>
<p>Can minors apply?</p>	<p>No.</p>
<p>Who can be restrained?</p>	<p>Anyone regardless of age or relationship to the petitioner who commits elder abuse. <i>Iowa Code § 235F.2</i></p> <p>Elder abuse means any of the following:</p> <ul style="list-style-type: none"> • Physical injury or injury that does not match the given history; • Unreasonable confinement, unreasonable punishment, or assault of a vulnerable elder; <p style="text-align: right;"><i>continued on next page</i></p>



ELDER ABUSE – ORDER OF PROTECTION

<p>Who can be restrained?</p>	<ul style="list-style-type: none"> • Sexual offenses committed against a vulnerable elder; • Neglect of an elder’s life necessities by a caretaker; or • Financial exploitation. <p>Does not include withholding or refraining from medical treatment according to the elder’s consent or implied wishes, or religious beliefs. <i>Iowa Code § 235F.1(5)(a)-(b).</i></p>
<p>What types of relief may a court order?</p>	<p>The court may issue an order with any of the following provisions:</p> <ul style="list-style-type: none"> • Respondent may be made to move from residence of vulnerable elder; • Respondent must provide suitable alternative housing for vulnerable elder; • Prohibit respondent from abusing, harassing, intimidating, molesting, interfering with, or menacing the vulnerable elder; • Prevent respondent from entering any premises when such restraint is necessary to prevent further abuse, harassment, or intimidation; • Respondent restrained from exercising any powers on behalf of vulnerable elder; • Remedy any financial exploitation; or • Any additional relief it finds necessary to provide for safety and welfare of vulnerable elder. <p><i>Iowa Code § 235F.6.</i></p>
<p>How long does the order last?</p>	<p>A temporary order can be entered by the court after the petitioner files their petition and before the final hearing, upon good cause shown in an ex parte proceeding. This order lasts until the final hearing, between 5 and 15 days after the initial filing. <i>Iowa Code § 235F.5.</i></p> <p>The final protective order can last up to 1 year. <i>Iowa Code § 235F.6(5).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>

ELDER ABUSE – ORDER OF PROTECTION

<p>How long does the order last?</p>	<p>An emergency protective order can also be granted by a district court judge when the court is unavailable (e.g., during the weekend). This order lasts no longer than 72 hours. <i>Iowa Code § 235F.7(1-2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes. The court may extend the protective order at any time for up to 1 year. The court may extend the order if it finds, after a hearing, that respondent continues to: (1) pose a threat to the safety of the vulnerable elder, persons residing with the vulnerable elder or the vulnerable elder’s immediate family; or (2) present a risk of financial exploitation of vulnerable elder. <i>Iowa Code § 235F.6(5).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes, a hearing must be held between 5 and 15 days after the proceeding is commenced. <i>Iowa Code § 235F.5.</i></p>

HOW TO APPLY

Forms are available at the courthouse and online at <https://www.iowacourts.gov/for-the-public/court-forms/>.

Petitioner files in the county courthouse in the county where either the petitioner or respondent resides.
Iowa Code § 236.3(1).

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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