

# Protect Yourself from Domestic Abuse

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Iowa Code Chapter 236—Domestic Abuse		
Protect Yourself from Domestic Abuse		
1	<b>What is domestic abuse?</b>	<p>Domestic abuse, also called domestic violence, is when an intimate partner or family member assaults or injures, attempts to assault or injure, or threatens to harm you or the person you're trying to protect, and that person's actions:</p> <ul style="list-style-type: none"><li>• Are meant to cause pain or injury or result in physical contact that offends you;</li><li>• Place you in fear of immediate physical contact;</li><li>• Involve pointing any firearm towards you, or displaying a dangerous weapon in threatening manner at you; or</li><li>• Make it hard for you to breathe normally or limit your blood flow circulation.</li></ul>
2	<b>How can I protect myself or someone else from domestic abuse?</b>	<p>You can ask the court to help protect you, your minor child, or a minor child in your care from domestic abuse. The court does this with a "Protective Order."</p> <p>"You" means you, your minor child, or a minor child legally in your care (also called a "ward" or "protected person"). If you need help with this process, you should contact an attorney. Additional places to get help are on page 6.</p> <p><b>You or the person you are seeking protection from (the defendant) must live in Iowa.</b></p>
3	<b>Who can ask for protection?</b>	<p>If you are 18 or older, you can ask for protection for:</p> <ul style="list-style-type: none"><li>• Yourself from an intimate partner or family member with a "Petition for Relief from Domestic Abuse."</li><li>• Your child who is under age 18 whose intimate partner is harming the child with a "Petition for Relief from Domestic Abuse on Behalf of a Minor."</li><li>• A child who is legally in your care, sometimes called a "ward" or "protected person," who is harmed by the person's intimate partner or family member with a "Petition for Relief from Domestic Abuse on Behalf of a Ward."</li></ul>
4	<b>Do I have to know the defendant?</b>	<p><b>You or your minor child or a minor child legally in your care, must have suffered domestic abuse from a person (the defendant), and you must be <i>one</i> of the following:</b></p> <ul style="list-style-type: none"><li>• Married to or divorced from the defendant,</li><li>• Separated from the defendant,</li><li>• Adult relatives living together,</li><li>• Living together,</li><li>• Have lived together within one year of the assault, but not at the time of the assault,</li><li>• Parents of the same minor child or children under age 18,</li><li>• In an intimate or romantic relationship (the relationship does not have to be a sexual relationship), or</li><li>• Have been in an intimate relationship and have had contact within one year of the assault.</li></ul>

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5	<b>What help can I get?</b>	<p>You can ask the court to help protect you and order the person who hurt you to:</p> <ul style="list-style-type: none"><li>• Stop the abuse.</li><li>• Not contact you in any way, including in-person, by phone, in writing, through social media, or by another person.</li><li>• Stay away from your home or the family home.</li><li>• Provide housing, transportation, and financial support.</li></ul>
6	<b>How do I ask the court for help?</b>	<p>To ask the court for help, prepare a “Petition” and file it with the Iowa District Court.</p> <ul style="list-style-type: none"><li>• To prepare a Petition, there are <b>free court forms</b> on the Iowa Judicial Branch website at (<a href="https://www.iowacourts.gov/for-the-public/court-forms/">https://www.iowacourts.gov/for-the-public/court-forms/</a>). The <b>free court forms</b> are also available from the clerk of court office at the courthouse in the county where you live.</li><li>• You may file your Petition electronically from your personal computer. If you file electronically, see the Iowa Judicial Branch eFile User Guide for information on how to file at <a href="https://www.iowacourts.gov/static/media/cms/E0002_569890E51EF7C.pdf">https://www.iowacourts.gov/static/media/cms/E0002_569890E51EF7C.pdf</a>.</li><li>• If you cannot file electronically, you may go to your county courthouse for help with filing your Petition.</li></ul> <p>There are three Petitions, and you must use the correct Petition for you or the person you are helping:</p> <ul style="list-style-type: none"><li>• If you need protection for yourself, use the “Petition for Relief from Domestic Abuse.”</li><li>• If you want to protect your minor child, use the “Petition for Relief from Domestic Abuse on Behalf of a Minor.”</li><li>• If you want to protect your ward or a person legally in your care, use the “Petition for Relief from Domestic Abuse on Behalf of a Ward.”</li></ul>
7	<b>What if I do not understand how to do this?</b>	<p>If you need help with these instructions, you may contact:</p> <ul style="list-style-type: none"><li>• A private attorney.</li><li>• Iowa Legal Aid at <b>800.532.1275</b> (M – F, 8:30 am – 4:30 pm) or at <a href="http://www.iowalegalaid.org">www.iowalegalaid.org</a>.</li><li>• The Iowa State Bar Association “Find-A-Lawyer” at <a href="https://www.iowafindalawyer.com/">https://www.iowafindalawyer.com/</a>.</li><li>• Your local domestic violence victim advocacy program. If you are not sure who provides services in your area, call the <b>Iowa Victim Service Call Center Hotline</b> at <b>800.770.1650</b>, or text <b>IOWAHELP</b> to <b>20121</b> (available 24/7).</li><li>• The county attorney where you are filing your petition <i>may</i> provide help.</li></ul> <p><b>Note: Clerks of court cannot give legal advice or tell you what to write on court forms.</b></p>
8	<b>Will I have to pay to file the Petition?</b>	<p>In Iowa, you cannot be charged any money for asking the court for protection from domestic abuse. The court may order the defendant to pay costs in some cases.</p>

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What do I have to say in the Petition for Relief from Domestic Abuse?		
9	<b>What do I have to say in the Petition?</b>	<p>You will need to tell the court the following things in the Petition:</p> <ul style="list-style-type: none"><li>• Who you are and who hurt you.</li><li>• How the defendant hurt you.</li><li>• Your relationship or your child’s or your ward’s relationship with the defendant.</li><li>• Where the defendant can be located in person.</li><li>• The most recent time the defendant hurt or injured you, and how the defendant hurt or injured you, or threatened to hurt or injure you, including where and when this happened.</li><li>• Any other injuries or threats you received from the defendant, including how the injuries or threats happened, and where and when you were hurt or threatened.</li><li>• Whether there are any children under age 18 who might be affected by the case and how the court might decide visitation or custody.</li><li>• Whether you want your case kept confidential from the public.</li><li>• What you would like the court to do for you. For example, you could ask the court to order the defendant to stop the abuse and stay away from you, your home, or the family home. The court could order the defendant to not contact you personally or through another person or by phone, social media, writing, or any other way. The court could order defendant to provide housing, transportation, or financial support. The court could order that you keep care and control of pets or companion animals.</li><li>• That you would like to sign up with the Iowa Protective Order Notification service (IowaPON). This is a free, confidential service that can tell you when your protective order is served on the defendant and when your protective order will end.</li></ul>
What happens next?		
10	<b>What happens when I file my Petition?</b>	<p>After you file your Petition, the court may enter a “Temporary Protective Order” and schedule a hearing. The court will also tell law enforcement to serve or deliver papers to the defendant with copies of the:</p> <ul style="list-style-type: none"><li>• Petition you filed.</li><li>• Temporary Protective Order and information about the court hearing.</li></ul> <p>The court hearing should happen within 5 to 15 days from when you filed the Petition, if law enforcement can find the defendant.</p> <p><b>CAUTION:</b> The Temporary Protective Order does not go into effect until the defendant has received this paperwork from law enforcement.</p>

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11	<b>What are Protective Orders and how long do they last?</b>	<p>Protective Orders tell law enforcement that the court has ordered defendant to stay away from you and not contact you.</p> <p>There are two kinds of Protective Orders:</p> <ul style="list-style-type: none"><li>• <b>Temporary Protective Order</b>—this order begins when the defendant receives it and lasts until the next order from the court.</li><li>• <b>Final Protective Order</b>—this order will last for up to 1 year after the court hearing on the Temporary Protective Order. You may get another 1-year order if you file a “Request to Cancel or Change a Chapter 236 Domestic Abuse Protective Order” with the clerk of court <b>before the original order expires</b>. This free form is available on the Iowa Judicial Branch website or from the clerk of court.</li></ul> <p><b>Important: only the court can change a Protective Order.</b></p>
12	<b>What do I do during the Temporary Order?</b>	<p>You and anyone protected by the order must do what the order says. For example, if child visitation or custody arrangements are included in the Protective Order, you must follow those directions.</p>
<b>Do I have to go to court?</b>		
13	<b>Do I have to go to court?</b>	<ul style="list-style-type: none"><li>• When you file your Petition, the court will set a court hearing date that should happen within 5 to 15 days.</li><li>• You must go to the court hearing.</li><li>• <b>If you, your minor child, or the child legally in your care do not go to the next hearing</b>, the court could cancel your Protective Order, or give defendant what the defendant asks for, such as custody of the children or possession of the home.</li></ul> <p style="text-align: center;">If you need help going to court, see “<b>What if I do not understand how to do this?</b>”</p>
14	<b>What happens at the court hearing?</b>	<p>At the court hearing on the Temporary Protective Order:</p> <ul style="list-style-type: none"><li>• You must provide information about the harm, injury, or threats described in your Petition. This information may include medical reports, witnesses, recordings, and photographs. If you do not know how to do this, see “<b>What if I do not understand how to do this?</b>”</li><li>• The defendant can also provide information and ask you or your witnesses questions about what you have told the court.</li><li>• You can ask the defendant and the defendant’s witnesses questions about what they told the court.</li></ul>

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15	<b>What happens after the court hearing?</b>	After the court listens to you and the defendant, the court may issue a Final Protective Order.
16	<b>What do I do if a Final Protective Order is issued?</b>	You or your minor child or ward and anyone protected by the Final Protective Order must follow the terms of the order. For example, if child visitation or custody arrangements are part of the final order, you must follow those directions.
17	<b>What happens if the court does not give me a Protective Order?</b>	You may contact the Iowa Victim Service Call Center Hotline at 1.800.770.1650, or text IOWAHELP to 20121, or <a href="http://www.survivorshelpline.org">www.survivorshelpline.org</a> . You may also contact an attorney. See <b>“What if I do not understand how to do this?”</b>
<b>After the Protective Order is issued</b>		
18	<b>What if the defendant does not obey the Protective Order?</b>	If the defendant does not obey the Protective Order, you can: <ul style="list-style-type: none"><li>• Call law enforcement by dialing 911.</li><li>• Call the Iowa Victim Service Call Center Hotline at 1.800.770.1650, text IOWAHELP to 20121, or go to <a href="http://www.survivorshelpline.org">www.survivorshelpline.org</a>.</li><li>• Tell the court about the violation by filing an “Affidavit to Start Contempt Proceedings” with the clerk of court. This free form is available on the Iowa Judicial Branch website or from the clerk of court.</li></ul> If you need help, see <b>“What if I do not understand how to do this?”</b>
19	<b>What if I need to change something in the Protective Order?</b>	You must tell the court what needs to be changed. You can do this by filing a “Petition to Modify, Cancel, or Extend a Protective Order.” This form is available for free on the Iowa Judicial Branch website or at the clerk of court’s office.

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Victim/Survivor assistance resources	
<p><b>Iowa Victim Service Call Center Hotline</b> 800.770.1650 – or – Text <b>IOWAHELP</b> to 20121 <a href="http://www.survivorshelpline.org">www.survivorshelpline.org</a> (Available 24/7)</p>	<p><b>Address Confidentiality Program</b> (Iowa Secretary of State) 321 E. 12<sup>th</sup> Street 1<sup>st</sup> Floor Lucas State Office Building Des Moines, IA 50319 515.281.5204 <a href="https://safeathome.iowa.gov/">https://safeathome.iowa.gov/</a></p>
<p><b>Iowa Protective Order Notification service</b> (IowaPON) Crime Victim Assistance Division Ground Floor Lucas State Office Building 321 E. 12<sup>th</sup> Street Des Moines, IA 50319 800.373.5044 <a href="https://www.iowaattorneygeneral.gov/for-crime-victims/iponda/">https://www.iowaattorneygeneral.gov/for-crime-victims/iponda/</a></p>	
Legal resources	
<p><b>Iowa State Bar Association: Find-A-Lawyer</b> 625 E. Court Avenue Des Moines, IA 50309 <a href="https://www.iowafindalawyer.com/">https://www.iowafindalawyer.com/</a></p>	<p><b>Iowa Legal Aid</b> 800.532.1275 <a href="http://www.iowalegalaid.org">www.iowalegalaid.org</a> (M – F, 8:30 am – 4:30 pm) Offices located in: Davenport, Des Moines, Cedar Rapids, Council Bluffs Iowa City, Mason City, Nevada, Muscatine Sioux City, Waterloo</p>
Help for going to court without an attorney	
<p>These links provide information about going to court without an attorney:</p> <ul style="list-style-type: none"><li>• <a href="https://www.iowacourts.gov/for-the-public/representing-yourself/">https://www.iowacourts.gov/for-the-public/representing-yourself/</a> (an overview about going to court)</li><li>• <a href="https://www.iowacourts.gov/for-the-public/common-legal-terms/">https://www.iowacourts.gov/for-the-public/common-legal-terms/</a> (definitions of common legal terms)</li><li>• <a href="https://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/">https://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/</a> (protecting personal information)</li></ul>	