

# Protect Yourself from Sexual Abuse

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| Iowa Code Ch 236A—Sexual Abuse     |  |   |
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| Protect Yourself from Sexual Abuse |  |   |
| 1                                  | <b>What is sexual abuse?</b>                                       | <p>Sexual abuse, also called sexual assault, is when a someone commits or attempts to commit a sex act on you or the person you’re trying to protect (your minor child or a minor child legally in your care) and:</p> <ul style="list-style-type: none"><li>• The sex act is done by force or against your will;</li><li>• You consented because of the threat of violence, the influence of drugs, or you were unconscious;</li><li>• You or the person you are trying to protect lacks the mental capacity to give consent; or</li><li>• You or the person you are trying to protect is a child.</li></ul> <p>Sexual abuse may include any form of sexual intercourse, touching or fondling of inner thigh, groin, genitals, anus or breast, or indecent exposure, or invasion of privacy.</p> |
| 2                                  | <b>How can I protect myself or someone else from sexual abuse?</b> | <p>You can ask the court to help protect you, your minor child, or a minor child legally in your care from sexual 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”).</p> <p>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 with a “Petition for Relief from Sexual Abuse.”</li><li>• Your child under age 18 who has been or is being harmed with a “Petition for Relief from Sexual Abuse on Behalf of a Minor.”</li><li>• A minor child legally in your care, sometimes called a “ward” or “protected person,” who has been or is being harmed with a “Petition for Relief from Sexual Abuse on Behalf of a Ward.”</li></ul>   |
| 4                                  | <b>Do I have to know the defendant?</b>                            | <p><b>You, your minor child or a minor child legally in your care, must have suffered sexual abuse from a person (the defendant), and you must to the best of your ability identify the defendant, including name and address or where the defendant can be found.</b></p>  |
| 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 sexual abuse.</li><li>• Not contact you in any way, including contacting you in-person, by phone, in writing, through social media, or by another person.</li><li>• Stay away from your home, school, or where you work.</li><li>• The court may help in other ways depending on your circumstances.</li></ul>  |

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| 6  | <b>How do I ask 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 (<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, please see the Iowa Judicial Branch eFile User Guide for information on how to file electronically: <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 to file your Petition. The clerk of court will scan your paperwork into the electronic filing system.</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 Sexual Abuse.”</li><li>• If you want to protect your minor child, use the “Petition for Relief from Sexual Abuse on Behalf of a Minor.”</li><li>• If you want to protect a minor child legally in your care, use the “Petition for Relief from Sexual 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 this process, 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, and 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></ul> <p>Your local sexual abuse victim advocacy program. If you are not sure who provides services in your area, call the confidential <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).</p> <ul style="list-style-type: none"><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 sexual abuse. The court may order the defendant to pay costs in some cases.</p>  |
| <b>What do I have to say in the Petition for Relief from Sexual Abuse?</b> |  |   |
| 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>• How you or the child you are protecting know the defendant.</li><li>• Where the defendant can be located in person.</li></ul>  |

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|                           |  | <ul style="list-style-type: none"><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 minor children (under age 18) who might be affected by the case.</li><li>• Whether you want all or certain parts of 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, school, or where you work. The court could order defendant not to contact you personally or through another person whether by phone, social media, writing, or any other way.</li><li>• What kind of Protective Order you want the court to issue.</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> |
| <b>What happens next?</b> |  |  |
| <b>10</b>                 | <b>What happens when I file my Petition?</b>                 | <p>After you file the Petition, the court may enter a Temporary Protective Order and will schedule a hearing. The court will also tell law enforcement to serve (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><li>• The hearing should happen within 5 to 15 days from when you filed the Petition, if law enforcement can find the defendant.</li></ul> <p style="text-align: center;"><b>CAUTION:</b> The Temporary Protective Order does not go into effect until the defendant has received this paperwork from law enforcement.</p>   |
| <b>11</b>                 | <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 236A Sexual 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><li>• <b>Important: Only the court can change a Protective Order.</b></li></ul>  |

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| 12  | <b>What do I do during the Temporary Order?</b>                  | 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.  |
| <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 hearing date that should happen within 5 to 15 days.</li><li>• <b>If you, your minor child or the minor 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.</li></ul> If you need help going to court, see <b>“What if I do not understand how to do this?”</b>  |
| 14  | <b>What happens at the hearing?</b>                              | At the court hearing on the Temporary Protective Order: <ul style="list-style-type: none"><li>• You must provide information about the harm, injury, threats to harm, or threats to injure 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 they told the court.</li></ul> |
| 15  | <b>What happens after the court hearing?</b>                     | After the court listens to the evidence you and the defendant provide, the court may decide to 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 the minor child legally in your care, 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.   |
| <b>After the Protective Order is issued</b> |  |  |
| 17  | <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 about the violation (call 911).</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 do not know how to do this, see <b>“What if I do not understand how to do this?”</b>  |

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| 18 | <b>What if I need to change something in the Protective Order?</b>    | You must tell the court what needs to be changed in the Order. You can do that 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.                     |
| 19 | <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> |

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| Victim/Survivor Assistance Resources  |   |
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| <p><b>Iowa Victim Service Call Center Hotline</b><br/>800.770.1650 – or –<br/>Text <b>IOWAHELP</b> to 20121<br/><a href="http://www.survivorshelpline.org">www.survivorshelpline.org</a><br/>(Available 24/7)</p>   | <p><b>Address Confidentiality Program</b> (Iowa Secretary of State)<br/>321 E. 12<sup>th</sup> Street<br/>1<sup>st</sup> Floor Lucas State Office Building<br/>Des Moines, IA 50319<br/>515.281.5204<br/><a href="https://safeathome.iowa.gov/">https://safeathome.iowa.gov/</a></p>                  |
| <p><b>Iowa Protective Order Notification service</b> (IowaPON)<br/>Crime Victim Assistance Division<br/>Ground Floor Lucas State Office Building<br/>321 E. 12<sup>th</sup> Street<br/>Des Moines, IA 50319<br/>800.373.5044<br/><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><br/>625 E. Court Avenue<br/>Des Moines, IA 50309<br/><a href="https://www.iowafindalawyer.com/">https://www.iowafindalawyer.com/</a></p>  | <p><b>Iowa Legal Aid</b><br/>800.532.1275<br/><a href="http://www.iowalegalaid.org">www.iowalegalaid.org</a><br/>(M – F, 8:30 am – 4:30 pm)<br/>Offices located in:<br/>Davenport, Des Moines, Cedar Rapids, Council Bluffs<br/>Iowa City, Mason City, Nevada, Muscatine<br/>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> |   |