

236A.3 Commencement of actions — waiver to juvenile court.

1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from sexual abuse by filing a verified petition in the district court. Venue shall lie where either the plaintiff or defendant resides. The petition shall state the following:

a. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to [section 236A.11](#).

b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to [section 236A.11](#).

c. Name and address, if known, of the defendant.

d. Nature of the alleged sexual abuse.

e. Name and age of each child under eighteen whose welfare may be affected by the controversy.

f. Desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order shall be based on a showing of a prima facie case of sexual abuse. If the factual basis for the alleged sexual abuse is contested, the court shall issue a protective order based upon a finding of sexual abuse by a preponderance of the evidence.

3. a. The filing fee and court costs for an order for protection and in a contempt action under [this chapter](#) shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to [this section](#), the sheriff of any county in this state and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to [section 664A.4A](#).

4. If the person against whom relief from sexual abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

2017 Acts, ch 121, §6Referred to in [§236A.8](#), [§236A.19](#), [§915.50](#)

NEW section