

CHAPTER 236

DOMESTIC ABUSE

Referred to in §13.2, 13.31, 135.108, 232.22, 232.52, 562A.27A, 562B.25A, 598.7, 602.6111, 602.6306, 664A.1, 664A.2, 664A.5, 664A.7, 716.7, 911.2C, 915.23, 915.52, 915.94

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236.1 Short title.

This chapter may be cited as the “Domestic Abuse Act”.
[C81, §236.1]

236.2 Definitions.

For purposes of this chapter, unless a different meaning is clearly indicated by the context:

1. “Department” means the department of justice.
2. “Domestic abuse” means committing assault as defined in section 708.1 under any of the following circumstances:
 - a. The assault is between family or household members who resided together at the time of the assault.
 - b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
 - c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
 - d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.
 - e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:
 - (a) The duration of the relationship.
 - (b) The frequency of interaction.
 - (c) Whether the relationship has been terminated.
 - (d) The nature of the relationship, characterized by either party’s expectation of sexual or romantic involvement.

(2) A person may be involved in an intimate relationship with more than one person at a time.

3. “*Emergency shelter services*” include but are not limited to secure crisis shelters or housing for victims of domestic abuse.

4. a. “*Family or household members*” means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity.

b. “*Family or household members*” does not include children under age eighteen of persons listed in paragraph “a”.

5. “*Intimate relationship*” means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

6. “*Plaintiff*” includes a person filing an action on behalf of an unemancipated minor.

7. “*Pro se*” means a person proceeding on the person’s own behalf without legal representation.

8. “*Support services*” include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.

[C81, §236.2]

85 Acts, ch 175, §2; 87 Acts, ch 154, §1; 89 Acts, ch 279, §2, 3; 91 Acts, ch 218, §4; 93 Acts, ch 157, §1; 95 Acts, ch 180, §7; 2002 Acts, ch 1004, §1, 2; 2003 Acts, ch 44, §52; 2009 Acts, ch 41, §263

Referred to in §9E.2, 135B.7, 236.5, 236.13, 507B.4, 598.16, 598.41, 598C.305, 611.23, 708.2A, 708.2B, 804.7

236.3 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 domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:

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 236.10](#).

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 236.10](#).

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

d. Relationship of the plaintiff to the defendant.

e. Nature of the alleged domestic abuse.

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

g. Name or description of any pet or companion animal owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. However, this paragraph shall not apply to livestock as defined in [section 717.1](#), held solely or primarily for commercial purposes.

h. 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 domestic abuse. If the factual basis for the alleged domestic abuse is contested, the court shall issue a protective order based upon a finding of domestic 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 domestic 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.

[C81, §236.3]

85 Acts, ch 175, §3; 86 Acts, ch 1237, §12; 91 Acts, ch 218, §5; 95 Acts, ch 180, §8 – 10; 96 Acts, ch 1034, §12; 2000 Acts, ch 1119, §1; 2001 Acts, ch 43, §1; 2002 Acts, ch 1004, §3; 2002 Acts, ch 1119, §36; 2003 Acts, ch 44, §53; 2003 Acts, ch 151, §7; 2009 Acts, ch 41, §263; 2013 Acts, ch 16, §1, 3; 2014 Acts, ch 1098, §1

Referred to in §9E.2, 232.8, 236.6, 236.19, 598.16, 598.41, 598C.305, 915.50

236.3A Plaintiffs proceeding pro se — provision of forms and assistance.

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under [this chapter](#). The standard forms shall include language in fourteen point boldface type. Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district courts.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to [this chapter](#).

91 Acts, ch 218, §6; 2004 Acts, ch 1131, §1

Referred to in §232.8, 915.50

236.3B Assistance by county attorney.

A county attorney's office may provide assistance to a person wishing to initiate proceedings pursuant to [this chapter](#) or to a plaintiff at any stage of a proceeding under [this chapter](#), if the individual does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney's office. The assistance provided may include, but is not limited to, assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to [this chapter](#). Providing assistance pursuant to [this section](#) shall not be considered the private practice of law for the purposes of [section 331.752](#).

93 Acts, ch 157, §2

Referred to in §232.8, 915.50

236.4 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of domestic abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, including temporary custody or visitation orders pursuant to subsection 3, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of [this subsection](#). A temporary order issued pursuant to [this subsection](#) shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent order pursuant to [section 236.5](#).

3. The court may award temporary custody of or establish temporary visitation rights with regard to children under eighteen years of age. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the alleged victim and the children. If the court finds that the safety of the alleged victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall set conditions or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court shall also determine whether any other existing orders awarding custody or visitation should be modified.

4. The court may include in the temporary order issued pursuant to [this section](#) a grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the

petitioner or respondent whose welfare may be affected by the controversy. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. [This subsection](#) shall not apply to livestock as defined in [section 717.1](#), held solely or primarily for commercial purposes.

5. If a hearing is continued, the court may make or extend any temporary order under [subsection 2, 3, or 4](#) that it deems necessary.

6. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

7. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

8. Prior to the entry of a temporary order under [this section](#) that involves a child-custody determination as defined in [section 598B.102](#), the plaintiff shall furnish information to the court in compliance with [section 598B.209](#).

9. Hearings shall be recorded.

[C81, §236.4]

[93 Acts, ch 157, §3](#); [2010 Acts, ch 1083, §1](#); [2010 Acts, ch 1159, §1 – 4](#); [2014 Acts, ch 1098, §2, 3](#)

Referred to in [§232.8, 236.6, 915.50](#)

236.5 Disposition.

1. Upon a finding that the defendant has engaged in domestic abuse:

a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

b. The court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:

(1) That the defendant cease domestic abuse of the plaintiff.

(2) That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of [section 724.26, subsection 2](#).

(3) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.

(4) That the defendant stay away from the plaintiff's residence, school, or place of employment.

(5) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.

(a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.

(b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

(c) The court shall also determine whether any other existing orders awarding custody or visitation rights should be modified.

(d) Prior to entry of an order or agreement under [this section](#) that involves a child-custody determination as defined in [section 598B.102](#), the parties shall furnish information to the court in compliance with [section 598B.209](#).

(6) Unless prohibited pursuant to 28 U.S.C. §1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

(7) A grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The court may forbid the respondent from approaching, taking, transferring, encumbering,

concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. This subparagraph shall not apply to livestock as defined in [section 717.1](#), held solely or primarily for commercial purposes.

2. An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in [section 236.2, subsection 2](#), paragraph "d", that the parties lived together during the last year if the parties met the requirements of [section 236.2, subsection 2](#), paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

3. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

4. The court may order that the defendant pay the plaintiff's attorney fees and court costs.

5. An order or consent agreement under [this section](#) shall not affect title to real property.

6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.

7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

[C81, §236.5]

[83 Acts, ch 123, §93, 209; 86 Acts, ch 1179, §1; 87 Acts, ch 154, §2, 3; 89 Acts, ch 85, §1; 91 Acts, ch 218, §7, 8; 91 Acts, ch 219, §3; 93 Acts, ch 157, §4; 95 Acts, ch 180, §11; 96 Acts, ch 1019, §1; 97 Acts, ch 175, §228; 99 Acts, ch 57, §1; 2006 Acts, ch 1129, §2; 2008 Acts, ch 1032, §39, 40; 2009 Acts, ch 133, §222; 2010 Acts, ch 1083, §2; 2010 Acts, ch 1159, §5, 6; 2014 Acts, ch 1098, §4](#)

Referred to in [§236.4, 236.6, 236.19, 331.424, 598.16, 598.41, 598.42, 598C.305, 664A.4, 708.2A, 915.22, 915.50](#)

For restrictions concerning issuance of mutual protective orders, see [§236.20](#)

236.6 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with [section 236.5, subsection 1](#), paragraph "b", if the district judge or district associate judge deems it necessary to protect the plaintiff from domestic abuse, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of [this subsection](#).

2. An emergency order issued under [subsection 1](#) shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to [section 236.4](#).

3. A petition filed and emergency order issued under [this section](#) and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of [section 236.3](#).

[C81, §236.6]

[2009 Acts, ch 133, §231](#)

Referred to in [§232.8, 598.16, 598.41, 598C.305, 915.50](#)

236.7 Procedure.

1. A proceeding under [this chapter](#) shall be held in accordance with the rules of civil procedure, except as otherwise set forth in [this chapter](#) and in [chapter 664A](#), and is in addition to any other civil or criminal remedy.

2. The plaintiff's right to relief under [this chapter](#) is not affected by leaving the residence or household to avoid domestic abuse.

[C81, §236.7]

[2006 Acts, ch 1101, §1](#)

Referred to in [§915.50](#)

236.8 Violation of order — contempt — penalties — hearings. Repealed by 2006 Acts, ch 1101, §21. See [§664A.7](#).

236.9 Domestic abuse information.

1. Criminal or juvenile justice agencies, as defined in [section 692.1](#), shall collect and maintain information on incidents involving domestic abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

2. The department of public safety may compile statistics and issue reports on domestic abuse in Iowa, provided individual identifying details of the domestic abuse are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of domestic abuse to persons conducting bona fide research, including but not limited to personnel of the department of justice.

[C81, §236.9]

[83 Acts, ch 96, §157, 159; 85 Acts, ch 175, §4; 89 Acts, ch 279, §4; 91 Acts, ch 19, §1; 96 Acts, ch 1034, §13](#)

Referred to in [§915.50](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2

236.10 Plaintiff's address — confidentiality of records.

1. A person seeking relief from domestic abuse under [this chapter](#) may use any of the following addresses as a mailing address for purposes of filing a petition under [this chapter](#), as well as for the purpose of obtaining any utility or other service:

- a. The mailing address of a shelter or other agency.
- b. A public or private post office box.
- c. Any other mailing address, with the permission of the resident of that address.

2. A person shall report any change of address, whether designated according to [subsection 1](#) or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.

3. The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.

4. Notwithstanding [subsection 3](#), court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

[C81, §236.10]

[97 Acts, ch 175, §229; 98 Acts, ch 1170, §1; 2000 Acts, ch 1119, §2; 2000 Acts, ch 1132, §1](#)

Referred to in [§236.3, 915.50](#)

236.11 Duties of peace officer — magistrate.

1. A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under [this chapter](#), a temporary or permanent protective order or order to vacate the homestead under [chapter 598](#), an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under [chapter 232](#). If a peace officer has reason

to believe that domestic abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under [this chapter](#), a temporary or permanent protective order or order to vacate the homestead under [chapter 598](#), an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or, if the person is an adult, a violation of a protective order under [chapter 232](#), the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.

2. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under [this chapter](#), a temporary or permanent protective order or order to vacate the homestead under [chapter 598](#), an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under [chapter 232](#), and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the county attorney.

3. If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under [this section](#). The magistrate shall cause the original court to be notified of the contents of the magistrate's order.

4. A peace officer shall not be held civilly or criminally liable for acting pursuant to [this section](#) provided that the peace officer acts in good faith, on probable cause, and the officer's acts do not constitute a willful and wanton disregard for the rights or safety of another.

[C81, §236.11]

86 Acts, ch 1179, §2; 87 Acts, ch 154, §5; 88 Acts, ch 1065, §2; 88 Acts, ch 1218, §17, 18; 91 Acts, ch 218, §10; 93 Acts, ch 157, §6; 96 Acts, ch 1134, §4; 2004 Acts, ch 1131, §3; 2017 Acts, ch 54, §76

Referred to in §664A.3, 664A.6, 664A.7

Code editor directive applied

236.12 Prevention of further abuse — notification of rights — arrest — liability.

1. If a peace officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:

a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish; asking the person to read the card; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping your attacker away from you, your home and your place of work.

[b] The right to stay at your home without interference from your attacker.

[c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.

[d] Professional counseling for you, the children who are members of the household, and the defendant.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal charges for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

2. a. A peace officer may, with or without a warrant, arrest a person under [section 708.2A, subsection 2](#), paragraph “a”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.

b. Except as otherwise provided in [subsection 3](#), a peace officer shall, with or without a warrant, arrest a person under [section 708.2A, subsection 2](#), paragraph “b”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which resulted in the alleged victim’s suffering a bodily injury.

c. Except as otherwise provided in [subsection 3](#), a peace officer shall, with or without a warrant, arrest a person under [section 708.2A, subsection 2](#), paragraph “c”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury.

d. Except as otherwise provided in [subsection 3](#), a peace officer shall, with or without a warrant, arrest a person under [section 708.2A, subsection 2](#), paragraph “c”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed and that the alleged abuser used or displayed a dangerous weapon in connection with the assault.

e. Except as otherwise provided in [subsection 3](#), a peace officer shall, with or without a warrant, arrest a person under [section 708.2A, subsection 2](#), paragraph “d”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.

f. Except as otherwise provided in [subsection 3](#), a peace officer shall, with or without a warrant, arrest a person under [section 708.2A, subsection 5](#), if, upon investigation, including

a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury.

3. As described in [subsection 2](#), paragraph “b”, “c”, “d”, “e”, or “f”, the peace officer shall arrest the person whom the peace officer believes to be the primary physical aggressor. The duty of the officer to arrest extends only to those persons involved who are believed to have committed an assault. Persons acting with justification, as defined in [section 704.3](#), are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer’s identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.

4. A peace officer is not civilly or criminally liable for actions pursuant to [this section](#) taken in good faith.

[84 Acts, ch 1258, §1](#); [85 Acts, ch 175, §5](#); [86 Acts, ch 1179, §3](#); [87 Acts, ch 154, §6](#); [89 Acts, ch 85, §2](#); [90 Acts, ch 1056, §1, 2](#); [91 Acts, ch 218, §11](#); [92 Acts, ch 1163, §52](#); [2009 Acts, ch 133, §93, 94](#); [2012 Acts, ch 1002, §1, 2](#); [2017 Acts, ch 54, §34](#)

Referred to in [§236.16](#), [236.17](#), [664A.3](#), [664A.6](#), [804.7](#), [915.50](#)

Similar provisions, [§235B.3](#), [235E.3](#), [236A.13](#), [709.22](#)

Subsection 1, paragraph c amended

236.13 Prohibition against referral.

In a criminal action arising from domestic abuse, as defined in [section 236.2](#), the prosecuting attorney or court shall not refer or order the parties involved to mediation or other nonjudicial procedures prior to judicial resolution of the action.

[86 Acts, ch 1179, §4](#)

236.14 Initial appearance required — contact to be prohibited — extension of no-contact order. Repealed by 2006 Acts, ch 1101, §21. See [chapter 664A](#).

236.15 Application for designation and funding as a provider of services for victims of domestic abuse.

Upon receipt of state or federal funding designated for victims of domestic abuse by the department, a public or private nonprofit organization may apply to the department for designation and funding as a provider of emergency shelter services and support services to victims of domestic abuse or sexual assault. The application shall be submitted on a form prescribed by the department and shall include, but not be limited to, information regarding services to be provided, budget, and security measures.

[85 Acts, ch 175, §6](#); [89 Acts, ch 279, §5](#); [91 Acts, ch 218, §13](#)

236.15A Income tax checkoff for domestic abuse services. Repealed by 97 Acts, ch 158, §48; 97 Acts, ch 209, §13, 15.

236.15B Income tax checkoff for domestic abuse services. Repealed by 2003 Acts, ch 44, §111.

236.16 Department powers and duties.

1. The department shall:

a. Designate and award grants for existing and pilot programs pursuant to [this chapter](#) to provide emergency shelter services and support services to victims of domestic abuse.

b. Design and implement a uniform method of collecting data from domestic abuse organizations funded under [this chapter](#).

c. Designate and award moneys for publicizing and staffing a statewide, toll-free

telephone hotline for use by victims of domestic abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of ombudsman, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse victim services providers, brochures explaining the rights of victims set forth under [section 236.12](#) and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of domestic abuse, including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

[85 Acts, ch 175, §7](#); [89 Acts, ch 279, §6](#); [91 Acts, ch 218, §15](#); [2013 Acts, ch 10, §30](#)

236.17 Domestic abuse training requirements.

The department, in cooperation with victim service providers, shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of domestic abuse prevention and services. Domestic abuse training may include, but is not limited to, the following areas:

1. The enforcement of both civil and criminal remedies in domestic abuse matters.

2. The nature, extent, and causes of domestic abuse.

3. The legal rights and remedies available to domestic abuse victims, including crime victim compensation.

4. Services available to domestic abuse victims and their children, including the domestic abuse telephone hotline.

5. The mandatory arrest provisions of [section 236.12](#), and other duties of peace officers pursuant to [this chapter](#).

6. Techniques for intervention in domestic abuse cases.

[91 Acts, ch 218, §16](#); [91 Acts, ch 219, §33](#)

236.18 Reference to certain criminal provisions.

In addition to the provisions contained in [this chapter](#), certain criminal penalties and provisions pertaining to domestic abuse assaults are set forth in [chapter 664A](#) and [sections 708.2A](#) and [708.2B](#).

[91 Acts, ch 218, §17](#); [2012 Acts, ch 1021, §52](#)

236.19 Foreign protective orders — registration — enforcement — immunity.

1. As used in [this section](#), “*foreign protective order*” means a protective order entered by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under [this chapter](#), a temporary or permanent protective order or order to vacate the homestead under [chapter 598](#), or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order may be filed with the clerk of the district court in any county that would have venue if the original action

was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by [section 236.5](#), except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. a. A valid foreign protective order has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected individual and the individual against whom enforcement is sought.

(2) The order has not expired.

(3) The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph "b" shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders are waived as provided in [section 236.3](#).

[95 Acts, ch 180, §13](#); [99 Acts, ch 57, §2](#); [2000 Acts, ch 1132, §2](#); [2001 Acts, ch 43, §2](#)

Referred to in [§664A.1](#)

Section not amended; headnote revised

236.20 Mutual protective orders prohibited — exceptions.

A court in an action under [this chapter](#) shall not issue mutual protective orders against the victim and the abuser unless both file a petition requesting a protective order.

[95 Acts, ch 180, §14](#)