

2/28/96 Judiciary

FILED FEB 26 1996

SENATE FILE 2318
BY MCKEAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to domestic abuse by requiring the plaintiff to
2 file a financial affidavit and list all prior domestic abuse
3 actions against the same plaintiff, and prohibiting a
4 temporary order of relief under certain circumstances.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2318

1 Section 1. Section 236.3, Code Supplement 1995, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 6A. All prior domestic abuse actions
4 filed by the plaintiff against the current defendant,
5 including the case number, date of filing, county of filing,
6 and final disposition of the action.

7 Sec. 2. NEW SECTION. 236.3C FINANCIAL STATEMENTS FILED.

8 The plaintiff shall file concurrently with the petition
9 required by section 236.3, a statement of net worth set forth
10 by affidavit on a form prescribed by the supreme court and
11 furnished without charge by the clerk of the district court.

12 Failure to comply with the requirements of this section
13 constitutes failure to make discovery as provided in rule of
14 civil procedure 134.

15 Sec. 3. Section 236.4, subsection 2, Code 1995, is amended
16 to read as follows:

17 2. a. The court may enter any temporary order it deems
18 necessary to protect the plaintiff from domestic abuse prior
19 to the hearing, upon good cause shown in an ex parte
20 proceeding. Present danger of domestic abuse to the plaintiff
21 constitutes good cause for purposes of this subsection.

22 b. The court shall not issue a temporary order if the
23 plaintiff has, within the prior three years, filed three or
24 more petitions for relief under section 236.3 that were
25 dismissed within sixty days of the original filing date for
26 any of the following reasons:

- 27 (1) Upon motion by the plaintiff.
28 (2) Failure of the plaintiff to appear for a hearing under
29 this chapter.

30 EXPLANATION

31 This bill amends certain procedures for domestic abuse
32 actions filed under chapter 236. The proposed changes require
33 the plaintiff in such an action to list in the petition for
34 relief all prior domestic abuse actions filed against the same
35 defendant. In addition, the plaintiff is required to file a

1 financial affidavit concurrently with the petition for relief.
2 Finally, the court is prohibited from entering a temporary
3 protective order if the plaintiff has, under certain
4 circumstances, filed and dismissed three prior domestic abuse
5 actions within the past three years.

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