

# House Study Bill 595

## Bill Text

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1 1 Section 1. Section [236.10](#), Code 1999, is amended to read  
1 2 as follows:

1 3 [236.10](#) CONFIDENTIALITY OF RECORDS.

1 4 1. The entire file or a portion of the file in a domestic  
1 5 abuse case shall be sealed by the clerk of court

~~when it is~~

1 6

~~complete and after the time for appeal has expired~~  
~~as ordered~~

1 7 by the court to protect the privacy interest or safety of any  
1 8 person.

~~However, the clerk shall open the file upon~~

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~~application to and order of the court for good cause shown or~~

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~~upon request of the child support recovery unit. Support~~

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~~payment records, whether maintained by the clerk of the~~

1 12

~~district court or the department of human services, are public~~

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~~records and may be released upon request. However, a payment~~

1 14

~~record shall not include address or location information.~~

1 15 2. Notwithstanding subsection 1, court orders and support  
1 16 payment records shall remain public records, although the  
1 17 court may order that certain information be redacted from the  
1 18 public records, such as address or location information.

1 19 Sec. 2. Section [236.19](#), Code Supplement 1999, is amended  
1 20 to read as follows:

1 21 [236.19](#) FOREIGN PROTECTIVE ORDERS REGISTRATION  
1 22 ENFORCEMENT.

1 23 1. As used in this section, "foreign protective order"  
1 24 means a protective order entered

~~in a state other than Iowa~~

1 25

~~—which~~

~~— by a court of another state, Indian tribe, or United~~

1 26 States territory that would be an order or court-approved  
1 27 consent agreement entered under this chapter, a temporary or  
1 28 permanent protective order or order to vacate the homestead  
1 29 under chapter 598, or an order that establishes conditions of  
1 30 release or is a protective order or sentencing order in a  
1 31 criminal prosecution arising from a domestic abuse assault if  
1 32 it had been entered in Iowa.

1 33 2. A certified or authenticated copy of a permanent  
1 34 foreign protective order

~~—authenticated in accordance with the~~

1 35

~~—statutes of this state~~

~~— may be filed with the clerk of the~~

2 1 district court in any county that would have venue if the  
2 2 original action was being commenced in this state or in which  
2 3 the person in whose favor the order was entered may be  
2 4 present.

2 5 a. The clerk shall file foreign protective orders that are  
2 6 not certified or authenticated, if supported by an affidavit  
2 7 of a person with personal knowledge, subject to the penalties  
2 8 for perjury. The person protected by the order may provide  
2 9 this affidavit.

2 10 b. The clerk shall provide copies of the order as required  
2 11 by section 236.5, except that notice shall not be provided to  
2 12 the respondent without the express written direction of the  
2 13 person in whose favor the order was entered.

2 14 3. a. A valid foreign protective order

~~—so filed~~

~~— has the~~

2 15 same effect and shall be enforced in the same manner as a  
2 16 protective order issued in this state whether or not filed  
2 17 with a clerk of court or otherwise placed in a registry of  
2 18 protective orders.

2 19 b. A foreign protective order is valid if it meets all of  
2 20 the following:

2 21 (1) The order states the name of the protected individual  
2 22 and the individual against whom enforcement is sought.

2 23 (2) The order has not expired.

2 24 (3) The order was issued by a court or tribunal that had  
2 25 jurisdiction over the parties and subject matter under the law  
2 26 of the foreign jurisdiction.

2 27 (4) The order was issued in accordance with respondent's  
2 28 due process rights, either after the respondent was provided  
2 29 with reasonable notice and an opportunity to be heard before  
2 30 the court or tribunal that issued the order, or in the case of  
2 31 an ex parte order, the respondent was granted notice and  
2 32 opportunity to be heard within a reasonable time after the  
2 33 order was issued.

2 34 c. Proof that a foreign protective order failed to meet  
2 35 all of the factors listed in paragraph "b" shall be an  
3 1 affirmative defense in any action seeking enforcement of the  
3 2 order.

3 3 4. A peace officer shall treat a foreign protective order  
3 4 as a valid legal document and shall make an arrest for a  
3 5 violation of the foreign protective order in the same manner  
3 6 that a peace officer would make an arrest for a violation of a  
3 7 protective order issued within this state.

3 8 a. The fact that a foreign protective order has not been  
3 9 filed with the clerk of court or otherwise placed in a  
3 10 registry shall not be grounds to refuse to enforce the terms  
3 11 of the order unless it is apparent to the officer that the

3 12 order is invalid on its face.

3 13 b. A peace officer acting in good faith in connection with  
3 14 the enforcement of a foreign protective order shall be immune  
3 15 from civil and criminal liability in any action arising in  
3 16 connection with such enforcement.

3 17 5. Filing and service costs in connection with foreign  
3 18 protective orders may be waived or deferred as provided in  
3 19 section 236.3.

3 20 EXPLANATION

3 21 This bill makes amendments related to domestic abuse  
3 22 protective orders under Code chapter 236.

3 23 Code section 236.10 is amended to provide for the court to  
3 24 order the sealing of a domestic abuse file or portion of the  
3 25 file as necessary to protect the privacy or safety of any  
3 26 person, rather than automatic sealing of the entire file by  
3 27 the clerk of court.

3 28 Code section 236.19, relating to foreign protective orders,  
3 29 is amended to specify inclusion of protective orders issued by  
3 30 Indian tribunals and courts in United States territories, to  
3 31 expand venue to include any county that would have venue if  
3 32 the action were being commenced in Iowa, to include filing of  
3 33 certified copies of foreign protective orders, and to allow  
3 34 filing of orders that are not certified or authenticated if  
3 35 supported by an affidavit, subject to penalties of perjury, of  
4 1 a person with personal knowledge, which may be the person  
4 2 protected by the order. Code section 236.19 is also amended  
4 3 to prohibit service of copies of the order to a respondent  
4 4 unless expressly directed by the person in whose favor the  
4 5 order is entered.

4 6 Code section 236.19 is also amended to specify that a valid  
4 7 foreign protective order shall be enforced in this state even  
4 8 if not filed with a clerk of court or placed in a registry of  
4 9 protective orders unless a peace officer finds the order  
4 10 invalid on its face. The section lists criteria required for  
4 11 a valid order and provides that failure to meet all criteria  
4 12 provides an affirmative defense in an action for enforcement.  
4 13 A peace officer is granted civil and criminal immunity for  
4 14 enforcement actions under this section.

4 15 Code section 236.19 is also amended to provide that filing  
4 16 and service costs related to foreign protective orders may be  
4 17 waived or deferred as provided in Code section 236.3.

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