

House Study Bill 137

Bill Text

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1 1 Section 1. Section [236.3](#), unnumbered paragraph 2, Code
1 2 2001, is amended by striking the unnumbered paragraph and
1 3 inserting in lieu thereof the following:
1 4 The filing fee for an order for protection under this
1 5 chapter shall be waived for the plaintiff. The court
1 6 administrator, the sheriff of any county in this state, and
1 7 other law enforcement and corrections officers shall perform
1 8 their duties relating to service of process without charge to
1 9 the petitioner. The court may direct the defendant to pay to
1 10 the court administrator the plaintiff's filing fees and
1 11 reasonable costs of service of process if the court determines
1 12 the defendant has the ability to pay the plaintiff's fees and
1 13 costs.
1 14 Sec. 2. Section [236.19](#), subsection 5, Code 2001, is
1 15 amended as follows:
1 16 5. Filing and service costs in connection with foreign
1 17 protective orders

~~may be~~

- ~~are~~ waived

~~or deferred~~

- as provided in

1 18 section 236.3.

1 19

EXPLANATION

1 20 This bill eliminates filing and service of process fees for
1 21 plaintiffs seeking relief from domestic abuse, and allows the
1 22 court to determine whether these fees should be assessed to
1 23 the defendant. Current law allows the court discretion to
1 24 determine whether payment of filing and service of process
1 25 fees would prejudice the plaintiff's ability to provide
1 26 economic necessities for the plaintiff or the plaintiff's
1 27 dependents.

1 28 The bill is proposed to comply with the federal Violence
1 29 Against Women Act funding certification requirements.

1 30 LSB 2396HC 79

1 31 rh/pj/5