

House File 621 - Introduced

HOUSE FILE _____
BY HORBACH

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

A BILL FOR

1 An Act relating to the issuance of a protection order or approval
2 of a consent agreement in a domestic abuse case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1932YH 82
5 rh/es/88

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1 1 Section 1. Section 236.5, subsection 2, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 An order for counseling, a protection order, or approved
1 4 consent agreement shall be for a ~~fixed three-year period of~~
~~1 5 time not to exceed one year.~~ The During the three-year
1 6 period, the court may amend or extend terminate its order or a
1 7 consent agreement at any time after one year from the issuance
1 8 of the order or approval of the consent agreement upon a
1 9 petition filed by either party the defendant and after notice
1 10 and hearing. In such a case, the defendant has the burden of
1 11 proving the defendant no longer poses a threat to the safety
1 12 of the victim, persons residing with the victim, or members of
1 13 the victim's family. After the three-year period, the court
1 14 may amend or extend its order or a consent agreement at any
1 15 time upon petition filed by either party and after notice and
1 16 hearing. The court may extend the order if the court, after
1 17 hearing at which the defendant has the opportunity to be
1 18 heard, finds that the defendant continues to pose a threat to
1 19 the safety of the victim, persons residing with the victim, or
1 20 members of the victim's immediate family. At the time of the
1 21 extension, the parties need not meet the requirement in
1 22 section 236.2, subsection 2, paragraph "d", that the parties
1 23 lived together during the last year if the parties met the
1 24 requirements of section 236.2, subsection 2, paragraph "d", at
1 25 the time of the original order. The number of extensions that
1 26 can be granted by the court is not limited.

EXPLANATION

1 27
1 28 The bill relates to the issuance of an order or consent
1 29 agreement in a domestic abuse case.
1 30 The bill provides that upon a finding that a defendant has
1 31 engaged in domestic abuse, the court shall issue an order for
1 32 counseling, a protection order, or approved consent agreement
1 33 for a three-year period. During the three-year period, the
1 34 court may terminate the order or consent agreement at any time
1 35 after one year from the issuance of the order or consent
2 1 agreement upon a petition filed by the defendant and after
2 2 notice and hearing. In such a case, the defendant has the
2 3 burden of proving the defendant no longer poses a threat to
2 4 the safety of the victim, persons residing with the victim, or
2 5 members of the victim's family. After the three-year period,
2 6 the court may amend or extend its order or a consent agreement
2 7 at any time upon petition filed by either party and after
2 8 notice and hearing. Current law provides that upon a finding
2 9 that a defendant has engaged in domestic abuse, an order for
2 10 counseling, a protection order, or an approved consent
2 11 agreement shall be issued by the court for up to one year and
2 12 the court may amend or extend the order or consent agreement
2 13 at any time upon petition by either party.
2 14 LSB 1932YH 82
2 15 rh:rj/es/88.1