

# House Study Bill 601 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

## A BILL FOR

1 An Act relating to the issuance of a protective order or  
2 approval of a consent agreement in a domestic abuse case and  
3 providing for a study.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.5, subsection 2, Code Supplement  
2 2009, is amended to read as follows:

3 2. a. An order for counseling, a protective  
4 order, or approved consent agreement shall be for a  
5 ~~fixed three-year period of time not to exceed one year.~~ The  
6 During the three-year period, the court may amend or extend  
7 terminate its order or a consent agreement at any time after  
8 one year from the issuance of the order or approval of the  
9 consent agreement upon a petition filed by either party the  
10 defendant and after notice and hearing. In such a case, the  
11 defendant has the burden of proving the defendant no longer  
12 poses a threat to the safety of the victim, persons residing  
13 with the victim, or members of the victim's family.

14 b. After the three-year period, the court may extend  
15 and amend its order or a consent agreement at any time upon  
16 the filing of a petition by either party and after notice  
17 and hearing. The court may extend ~~the~~ and amend its order  
18 if the court, after hearing at which the defendant has the  
19 opportunity to be heard, finds that the defendant continues to  
20 pose a threat to the safety of the victim, persons residing  
21 with the victim, or members of the victim's immediate family.  
22 At the time of the extension, the parties need not meet the  
23 requirement in section 236.2, subsection 2, paragraph "d",  
24 that the parties lived together during the last year if the  
25 parties met the requirements of section 236.2, subsection 2,  
26 paragraph "d", at the time of the original order. The number of  
27 extensions that can be granted by the court is not limited.

28 Sec. 2. DOMESTIC ABUSE LEGISLATIVE INTERIM STUDY —  
29 PROTECTIVE ORDERS. The legislative council is requested to  
30 establish an interim committee to study issues relating to  
31 domestic abuse and the issuance and enforcement of protective  
32 orders. The interim committee shall submit a report of its  
33 findings and recommendations to the general assembly not later  
34 than January 1, 2011.

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EXPLANATION

2 This bill relates to the issuance of an order or consent  
3 agreement in a domestic abuse case and provides for a study.

4 The bill extends the period of time that a court may issue  
5 an order for counseling, a protective order, or an approved  
6 consent agreement from one year to three years upon a finding  
7 that a defendant has engaged in domestic abuse. During the  
8 three-year period, the court may terminate the order or consent  
9 agreement at any time after one year from the issuance of  
10 the order or consent agreement upon a petition filed by the  
11 defendant and after notice and hearing. In such a case, the  
12 defendant has the burden of proving the defendant no longer  
13 poses a threat to the safety of the victim, persons residing  
14 with the victim, or members of the victim's family. After the  
15 three-year period, the court may extend and amend its order or  
16 a consent agreement at any time upon petition filed by either  
17 party and after notice and hearing.

18 Current law provides that upon a finding that a defendant  
19 has engaged in domestic abuse, an order for counseling, a  
20 protective order, or an approved consent agreement shall be  
21 issued by the court for up to one year and the court may amend  
22 or extend the order or consent agreement at any time upon  
23 petition by either party.

24 The bill requests the legislative council to establish an  
25 interim committee to study issues relating to domestic abuse  
26 and the issuance and enforcement of protective orders. The  
27 interim committee shall submit a report of its findings and  
28 recommendations to the general assembly not later than January  
29 1, 2011.