

House File 2214 - Introduced

HOUSE FILE 2214

BY SALMON

A BILL FOR

1 An Act relating to hearings for temporary protective orders in
2 domestic abuse and sexual abuse cases.

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

1 Section 1. Section 236.4, subsection 1, Code 2018, is
2 amended to read as follows:

3 1. Not less than five and not more than fifteen days after
4 commencing a proceeding and upon notice to the other party,
5 a hearing shall be held at which the plaintiff must prove
6 the allegation of domestic abuse by a preponderance of the
7 evidence. If a hearing is not held within the time period
8 specified, the petition shall be dismissed and the plaintiff
9 and the respondent shall be notified.

10 Sec. 2. Section 236.4, subsection 5, Code 2018, is amended
11 by striking the subsection.

12 Sec. 3. Section 236A.6, subsection 1, Code 2018, is amended
13 to read as follows:

14 1. Not less than five and not more than fifteen days after
15 commencing a proceeding and upon notice to the defendant, a
16 hearing shall be held at which the plaintiff must prove the
17 allegation of sexual abuse by a preponderance of the evidence.
18 If a hearing is not held within the time period specified,
19 the petition shall be dismissed and the plaintiff and the
20 respondent shall be notified.

21 Sec. 4. Section 236A.6, subsection 3, Code 2018, is amended
22 by striking the subsection.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to hearings for temporary protective
27 orders in domestic abuse and sexual abuse cases.

28 Under current law, a hearing for a temporary protective
29 order in a domestic abuse case or sexual abuse case is required
30 to be held not less than five and no more than 15 days after
31 the filing of a petition for a domestic abuse or sexual abuse
32 protective order. The bill provides that if a hearing is not
33 held within the time period specified, the petition shall
34 be dismissed and the plaintiff and the respondent shall be
35 notified. The bill strikes provisions in current Code that

H.F. 2214

1 provide that if a hearing in either case is continued by the
2 court, the court may make or extend any temporary order that
3 it deems necessary.