

Senate File 448 - Introduced

SENATE FILE 448
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 254)

A BILL FOR

1 An Act relating to consent agreements for domestic abuse and
2 sexual abuse protective orders.

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

1 Section 1. Section 236.5, subsection 1, paragraph b,
2 unnumbered paragraph 1, Code 2019, is amended to read as
3 follows:

4 The court may grant a protective order ~~or approve a consent~~
5 ~~agreement~~ which may contain but is not limited to any of the
6 following provisions:

7 Sec. 2. Section 236.5, Code 2019, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 1A. The court may approve a consent
10 agreement which may contain but is not limited to any of the
11 provisions specified in subsection 1, paragraph "b", without a
12 finding the defendant has engaged in domestic abuse.

13 Sec. 3. Section 236A.7, subsection 1, unnumbered paragraph
14 1, Code 2019, is amended to read as follows:

15 Upon a finding that the defendant has engaged in sexual
16 abuse, the court may grant a protective order ~~or approve a~~
17 ~~consent agreement~~ which may contain but is not limited to any
18 of the following provisions:

19 Sec. 4. Section 236A.7, Code 2019, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 1A. The court may approve a consent
22 agreement without a finding that the defendant has engaged in
23 sexual abuse, which may contain but is not limited to any of
24 the provisions specified in subsection 1.

25 EXPLANATION

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

28 This bill relates to consent agreements and domestic abuse
29 and sexual abuse protective orders.

30 Under current law, upon a finding of domestic abuse or sexual
31 abuse, the court may approve a consent agreement or grant a
32 protective order. The bill strikes the requirement that a
33 finding of domestic abuse or sexual abuse must occur before the
34 court approves a consent agreement.

35 A consent agreement entered pursuant to Code section 236.5

1 (domestic abuse) may contain but is not limited to provisions
2 that the defendant cease domestic abuse of the plaintiff;
3 stay away from the plaintiff's residence, school, or place of
4 employment; not knowingly possess, ship, transport, or receive
5 firearms, offensive weapons, and ammunition in violation of
6 Code section 724.26; grant possession of the residence to
7 the plaintiff to the exclusion of the defendant or that the
8 defendant provide suitable alternate housing for the plaintiff;
9 pay separate support and maintenance to the plaintiff and
10 any children under 18 years of age; and avoid any contact
11 with animals owned by the plaintiff, defendant, or minor
12 child of the defendant. A consent agreement may also contain
13 a provision relating to an award of temporary custody or
14 temporary visitation rights with regard to any children under
15 18 years of age.

16 A consent agreement entered pursuant to Code section 236A.7
17 (sexual abuse) may contain but is not limited to provisions
18 that the defendant cease sexual abuse of the plaintiff and
19 stay away from the plaintiff's residence, school, or place of
20 employment.