

**CHAPTER 1131****DOMESTIC ABUSE PROTECTIVE ORDERS  
AND COURT-APPROVED CONSENT AGREEMENTS***H.F. 2533*

**AN ACT** relating to protective orders and court-approved consent agreements under the domestic abuse Act.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 236.3A, subsection 1, Code 2003, is amended to read as follows:

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under this chapter. The standard forms shall include language in fourteen-point boldface type, ~~with a box which may be checked by the plaintiff, indicating that the plaintiff wishes to proceed by filing an affidavit pursuant to section 236.3, because the plaintiff does not have sufficient funds to pay the cost of filing and service.~~ Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district courts.

Sec. 2. Section 236.8, Code 2003, is amended to read as follows:

236.8 VIOLATION OF ORDER — CONTEMPT — PENALTIES — HEARINGS.

1. A person commits a simple misdemeanor or the court may hold a person in contempt for a violation of an order or court-approved consent agreement entered under this chapter, including a violation of a valid foreign protective order under section 236.19, subsection 3, for a violation of a temporary or permanent protective order or order to vacate the homestead under chapter 598, for a violation of any order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, or for a violation by an adult of a protective order under chapter 232.

2. If convicted or held in contempt for a violation the defendant shall serve a jail sentence. Any jail sentence of more than one day imposed under this section shall be served on consecutive days. A defendant who is held in contempt or convicted may be ordered by the court to pay the plaintiff's attorney fees and court costs incurred in the proceedings under this section.

3. A hearing in a contempt proceeding brought pursuant to this section shall be held not less than five and not more than fifteen days after the issuance of a rule to show cause, as set by the court.

4. A person shall not be convicted of and held in contempt for the same violation of an order or court-approved consent agreement entered under this chapter including the same violation of a valid foreign protective order under section 236.19, subsection 3, for the same violation of a temporary or permanent protective order or order to vacate the homestead under chapter 598, for a violation of any order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, or for violation of a protective order under chapter 232.

Sec. 3. Section 236.11, unnumbered paragraph 3, Code 2003, is amended to read as follows:

If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, whichever was allegedly violated or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under this section. The magistrate shall cause the original court to be notified of the contents of the magistrate's order.

Approved May 3, 2004