FILED
DEC 27 2010
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF AMENDMENTS TO IOWA COURT RULES CHAPTER 4: FORMS 4.1, 4.2, 4.11, AND 4.15	))))	**SUPERVISORY ORDER**

Earlier this year, the legislature approved new laws that, as a general proposition, prohibit a person who is the subject of a permanent civil protective or criminal no-contact order, or a person who is convicted of domestic abuse assault, from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties. See S.F. 2357; 2010 Iowa Legis. Serv. 404 (West). When issuing a temporary civil protective or criminal no-contact order, the court must notify the person who is the subject of such order that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent order. Upon the issuance of a permanent civil protective or criminal no-contact order, or upon entry of a judgment of conviction of domestic abuse assault, the court must inform the person who is subject to the order of this prohibition and shall order the person to relinquish any firearms, offensive weapons, and ammunition possessed by the person. Such notice and information must be expressly stated in the court orders.

To implement these requirements, the court must amend the standardized forms required for use by the district court when issuing such orders. A work group of judges, attorneys, and others charged with updating these forms recommends the adoption of the amendments shown in the attached forms so the forms comply with the new laws. The work group continues to consider the development of specific procedures that judges may

use when ordering a person to transfer firearms, offensive weapons, and ammunition pursuant to the new law.

As recommended by the work group, the court approves the amendments shown in the attached forms–Chapter 4: Forms 4.1, 4.2, 4.11, and 4.15.

This order takes effect immediately.

Dated this 27th day of December, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice

Form 4.1: *Temporary Protective Order (Section 236.3 Petition).*

Order of Protection

This order can be verified during business hours with the

_____ County Clerk of Court at _____

_____or anytime with the _____

_____ (law enforcement agency) at _____.

Case No. DA

Judge _____
(print or type name here)

County _____ State IOWA

TEMPORARY PROTECTIVE ORDER
(Section 236.3 Petition)

ISSUE DATE: _____

PETITIONER/PROTECTED PARTY:

_____
First Middle Last

V.

RESPONDENT/DEFENDANT:

_____
First Middle Last

Other Protected Persons:

_____

_____

_____

RESPONDENT Date of Birth _____

_____
Address for Respondent (not shared address with Protected Party)

_____

_____

THE COURT HEREBY FINDS:
It has jurisdiction over the parties and subject matter. **Additional findings are set forth below.**

THE COURT HEREBY ORDERS:
The above named Respondent is restrained from committing further acts of abuse or threats of abuse.
The above named Respondent is restrained from any contact with the Petitioner/Protected Party.
Additional terms of this order and exceptions to the above provisions are as set forth below.

This order is effective upon service on respondent. It shall remain in effect until modified, terminated or superseded by a later written order, or until the dismissal of the case, but in no event for more than one year.

WARNINGS TO RESPONDENT:
This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction. 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.
Only the court can change this order.

NOTICE FOR LAW ENFORCEMENT:

CAUTION: ☐ *If checked, FIREARMS WARNING for Law Enforcement*

The Respondent will be provided with reasonable notice and opportunity to be heard. See page 2, paragraph 8.

The court has considered the Petition for Relief from Domestic Abuse and finds that a temporary protective order under Iowa Code section 236.4(2) is necessary to protect the protected party named above.

Therefore, the court ORDERS as follows:

1. Respondent shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.

2. Respondent shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings.

3. Respondent shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.

4. The protected party shall have exclusive possession of the residence located at _____. Respondent shall not go to, enter, occupy or remain in that residence or any other residence in which the protected party is staying, under any circumstance. Respondent shall turn over to the sheriff all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). Respondent may enter the residence once in the company of a peace officer to retrieve respondent's clothing and work-related items. The law enforcement agency shall contact the protected party to provide notice of the intent of the respondent to return to the residence and to accommodate the safety concerns of the protected party.

[ ] 5. If checked, the protected party shall have the right to exclusive use and possession of the _____ vehicle until further order of the court, and the sheriff shall take custody of respondent's keys to the vehicle upon service of this order. Sheriff will turn vehicle keys over to the protected party.

6. The protected party is granted temporary custody of these children (list names and ages): _____

_____

_____.

If the children are not presently in the care of protected party, the children shall be returned to the protected party's custody at the following time and in the following manner:_____

_____

_____.

Unless modified by order filed in this proceeding or in a juvenile court proceeding affecting the same children, this temporary order shall prevail over any other existing custody order. The issue of visitation will be addressed at the hearing mentioned below. Until such time, respondent shall not contact these children and shall not contact the protected party about visitation.

7. **A RESPONDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST.** Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order.

8. A hearing will be held on _____, 20_____, at _____ o'clock ___.m. at the (Name) County Courthouse, Room (location), in (City Name), Iowa, to decide if a final protective order should be entered. Failure of the respondent to appear may result in a final protective order being entered against the respondent. Failure of the protected party to appear may result in the case being dismissed. Each party has the right to be represented by an attorney at this hearing. The parties shall bring copies of any existing child custody orders to the hearing.

9. The court finds, pursuant to Iowa Code section 236.10, that to protect the safety or privacy of the protected party and/or the protected party's children, the clerk of court shall until further order of the court (check any that apply)

[ ] seal the entire file from public access, other than court orders and child support payment records.

[ ] seal the following portion(s) of the file from public access: _____

_____.

[ ] redact protected party's actual address and location information prior to public dissemination of court orders, child support payment records, and other records available at the clerk's office or through the Iowa Court Information System (ICIS).

Whether or not any boxes are checked above, the indices available at the clerk's office or through the Iowa Court Information System (ICIS) shall remain open.

10. The Respondent may be required to relinquish all firearms, offensive weapons, and ammunition upon issuance of a permanent protective order.

_____

JUDGE, (District Number) JUDICIAL DISTRICT OF IOWA

[ ] The _____ County Sheriff shall serve and return service upon the respondent, the petition/motion and this order at least two days before the hearing.

[ ] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Code sections 236.5(5) and 664A.4.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ( ) _____. If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.

Form 4.2: *Protective Order Following Adjudication of Domestic Abuse (Section 236.3 Petition).*

Order of Protection

This order can be verified during business hours with the _____ County Clerk of Court at _____ _____or anytime with the _____ _____ (law enforcement agency) at _____.

Case No. _____

Judge _____
(print or type name here)

County _____ State **IOWA**

FINAL DOMESTIC ABUSE PROTECTIVE ORDER (Section 236.3 Petition)

ISSUE DATE: _____

PETITIONER/PROTECTED PARTY:

_____
First Middle Last

V.

Other Protected Persons:

_____

_____

_____

RESPONDENT/DEFENDANT:

_____
First Middle Last

RESPONDENT Date of Birth _____

_____
Address for Respondent (not shared address with Protected Party)

_____

_____

CAUTION: ☐ *If* checked, ***FIREARMS WARNING for Law Enforcement***

THE COURT HEREBY FINDS:
It has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard. **Additional findings are set forth below.**

THE COURT HEREBY ORDERS:
The above named Respondent is restrained from committing further acts of abuse or threats of abuse.
The above named Respondent is restrained from any contact with the Petitioner/Protected Party.
Additional terms of this order and exceptions to the above provisions are as set forth below.

This order shall remain in effect until _____ (one year from today's date) unless it is modified, terminated, extended, or superseded by written order of the court, or until the dismissal of the case.

WARNINGS TO RESPONDENT:
This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction. (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.

Federal and state laws provide penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. (18 U.S.C. § 922(g)(8)); Iowa Code Section 724.26(2)(a).

Only the court can change this order.

On the _____ day of _____, 20____, a hearing was held on the Petition for Relief from Domestic Abuse. The following persons were present and participated in the hearing:_____

The court FINDS by a preponderance of the evidence:

(1) Respondent was personally served with a copy of the petition and the temporary protective order containing notice of this hearing.

(2) Respondent committed a domestic abuse assault against the protected party named above.

(3) Respondent represents a credible threat to the physical safety of the protected party.

Therefore, pursuant to Iowa Code Chapter 236, the court ORDERS as follows:

1. Respondent shall not threaten, assault, stalk, molest, attack, harass or otherwise abuse the protected party. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.

2. Respondent shall stay away from the protected party and shall not be in that party's presence, except in a courtroom during court hearings.

3. Respondent shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.

4. The protected party shall have exclusive possession of the residence located at _____. Respondent shall not go to, enter, occupy or remain in that residence or any other residence in which the protected party is staying, under any circumstance.

5. The _____ is granted temporary custody of these children (list names and ages):
(protected party or respondent)
_____.

_____ is granted visitation with these children as follows (specify times, places and method of
(protected party or respondent)
implementation of visitation):_____

_____.
The respondent shall not otherwise contact these children and shall not contact the protected party about visitation except as provided in this order.

6. Respondent shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition while this order is in effect pursuant to Iowa Code § 724.26(2)(a). Respondent shall deliver all firearms, offensive weapons, and ammunition to the _____ County Sheriff or _____ (law enforcement agency) on or before _____, 20____. The respondent is advised that the issuance of this protective order may also affect the right to possess or acquire a firearm or ammunition under federal law. 18 U.S.C. §§ 922(d)(8), (g)(8).

7. **A RESPONDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST.** Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order.

[ ] 8. If checked, court costs are assessed against respondent.

9. The court finds, pursuant to Iowa Code section 236.10, that to protect the safety or privacy of the protected party and/or the protected party's children, the clerk of court shall, until further order of the court (check any that apply)

[ ] seal the entire file from public access, other than court orders and child support payment records.

[ ] seal the following portion(s) of the file from public access: _____
_____.

[ ] redact protected party's actual address and location information prior to public dissemination of court orders, child support payment records, and other records available at the clerk's office or through the Iowa Court Information System (ICIS).

Whether or not any boxes are checked above, the indices available at the clerk's office or through the Iowa Court Information System (ICIS) shall remain open.

_____

JUDGE, _____ JUDICIAL DISTRICT

[ ] The _____ County Sheriff shall serve and return service of this order upon the respondent.

[ ] Respondent was personally served with a copy of this order by the court.

[ ] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Code sections 236.5(5) and 664A.4.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ( ) _____.
If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.

Form 4.11: *No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.3, 554A.5, and 664A.7).*

Order of Protection

This order can be verified during business hours with the

_____ County Clerk of Court at _____

_____or anytime with the _____

_____ (law enforce-

ment agency) at _____.

Case No. _____

Judge _____
(print or type name here)

County _____ State **IOWA**

NO CONTACT ORDER
(Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7)

ISSUE DATE: _____

PROTECTED PARTY:

_____
First Middle Last

Other Protected Persons:

_____

_____

_____

STATE OF IOWA
V.
DEFENDANT:

_____
First Middle Last

DEFENDANT Date of Birth _____

_____
Address for Defendant (not shared address with Protected Party)

_____

_____

CAUTION: ☐ ***If checked, FIREARMS WARNING for Law Enforcement***

THE COURT HEREBY FINDS:
It has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard. **Additional findings are set forth below.**

THE COURT HEREBY ORDERS:
The above named Defendant is restrained from committing further acts of abuse or threats of abuse.
The above named Defendant is restrained from any contact with the Protected Party.
Additional terms of this order are as set forth below.

This order shall remain in effect until modified or terminated by further written order of the court, until the case is dismissed, or until sentencing.

WARNINGS TO DEFENDANT:
This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction. 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.

Federal and state laws provide penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. 18 U.S.C. § 922(g)(8); Iowa Code Section 724.26(2)(a).

Only the court can change this order.

On the basis of the complaint or affidavit(s) submitted to the court at the time of the defendant's appearance, the court finds there is probable cause to believe that

[ ] a domestic abuse assault has occurred (§ 708.2A) or [ ] defendant has violated a prior no contact order or consent agreement (§ 664A.7)

and the presence of the defendant in the alleged victim's residence poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family.

[ ] If checked, the court finds the defendant and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person").

IF CHECKED, the court must check box 6, prohibiting the defendant from possessing firearms.

Therefore, the court orders as follows:

1. Defendant shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.

2. Defendant shall not be in the immediate vicinity of the residence or place of employment of the protected party. Defendant shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings.

3. The defendant, personally or through a third party, shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party, persons residing with the protected party, or members of the protected party's family. Defendant shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.

[ ] 4. If checked, defendant may enter the residence once in the company of a peace officer to retrieve defendant's clothing and work-related items. Defendant shall turn over to the law enforcement agency all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). The law enforcement agency shall contact the protected party to provide notice of the intent of the defendant to return to the residence and to accommodate the safety concerns of the protected party.

[ ] 5. If checked, additional directives _____

_____

_____.

6. The Defendant shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition while this order is in effect pursuant to Iowa Code Section 724.26(2)(a) and as a condition of release. The Defendant shall deliver all firearms, ammunition, and offensive weapons to [Name of Law Enforcement Agency], [Address of Law Enforcement Agency], [City], Iowa within 24 hours of release from jail.

7. This protective order is in effect immediately. The order may be extended prior to expiration, or at sentencing, for five years pursuant to sections 664A.5 (modification) and 664A.8 (extension).

8. **A DEFENDANT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST.** Violation may occur even if the protected party (ies) consent(s) to prohibited contact. Only the court may release defendant from restrictions contained in this order.

9. Except as specifically set out herein, this order shall not be construed as an award of personal or real property to either the defendant or the protected party.

[ ] 10. Bond is set at $_____.

[ ] 11. If checked, defendant qualifies for court-appointed counsel, and attorney _____ is appointed.

_____

JUDGE, _____ JUDICIAL DISTRICT

[ ] Defendant was personally served with a copy of this order by the court.

[ ] The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the _____County Sheriff as required by Iowa Code sections 236.5(5) and 664A.4.

[ ] The _____ County Sheriff shall serve and return service of this order upon defendant.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ( ) _____.
If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.

Effective date: December 2010

Order of Protection

This order can be verified during business hours with the _____ County Clerk of Court at _____ or anytime with the _____ (law enforcement agency) at _____.

Case No. _____

Judge _____
(print or type name here)

County _____ State **IOWA**

SENTENCING NO CONTACT ORDER
(Any Public Offense § 664A.5)

ISSUE DATE: _____

PROTECTED PARTY:

_____
First Middle Last

Other Protected Persons:

_____

_____

_____

STATE OF IOWA
V.
DEFENDANT:

_____
First Middle Last

DEFENDANT Date of Birth _____

_____
Address for Defendant (not shared address with Protected Party)

_____

_____

CAUTION: ☐ ***If* checked, *FIREARMS WARNING for Law Enforcement***

THE COURT HEREBY FINDS:
It has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard. **Additional findings are set forth below.**

THE COURT HEREBY ORDERS:
The above named Defendant is restrained from committing further acts of abuse or threats of abuse.
The above named Defendant is restrained from any contact with the Petitioner/Protected Party.
Additional terms of this order and exceptions to the above provisions are as set forth below.

This order shall remain in effect until _____ unless it is modified, terminated, or extended by further written order of the court.

WARNINGS TO RESPONDENT:
This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction. 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.

Federal and state laws provide penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. 18 U.S.C. § 922(g)(8); Iowa Code Section 724.26(2)(a).

Only the court can change this order.

The defendant has been convicted of the following crime(s): _____.

The court finds the presence of or contact with the defendant poses a threat to the safety of _____ .

(Please check one of the following for appropriate coding in the Mandatory Arrest Protective Order Registry)

[ ] **INTIMATE PARTNER.** If checked, the court finds the defendant and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person"). [Registry order type D]

IF CHECKED, the court must check box 5, prohibiting the defendant from possessing, shipping, transporting or receiving any firearms, offensive weapons or ammunition.

OR

[ ] **OTHER.** If checked, the court finds the relationship status of the defendant and protected party is other than the federal "Intimate Partner" definition. [Registry order type I]

Therefore, the court orders as follows:

1. Defendant shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.

2. Defendant shall not be in the immediate vicinity of the residence or place of employment of the protected party. Defendant shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings.

3. The defendant, personally or through a third party, shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party, persons residing with the protected party, or members of the protected party's family. Defendant shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.

[ ] 4. If checked, additional directives _____

_____

_____

[ ] 5. The Defendant has been convicted of domestic abuse assault under Iowa Code Section 708.2A. Therefore, the Defendant shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition unless such rights have been restored in accordance with Iowa Code Section 724.27. Defendant shall deliver all firearms, ammunition, and offensive weapons to the _____ County Sheriff or _____ (law enforcement agency) on or before _____, 20____.

6. This protective order is in effect immediately. The order may be extended prior to expiration for five years pursuant to section 664A.5 (modification), or 664A.8 (extension).

7. **A DEFENDANT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST.** Violation may occur even if the protected party(ies) consents to prohibited contact. Only the court may release defendant from restrictions contained in this order.

_____

JUDGE, _____ JUDICIAL DISTRICT

[ ] Defendant was personally served with a copy of this order by the court.
[ ] The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the _____County Sheriff.
[ ] The _____ County Sheriff shall serve and return service of this order upon defendant.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ( ) _____. If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.