

Broers, Chair  
Baudler  
Jochum

HSB 137

JUDICIARY  
HOUSE FILE <sup>311</sup> S 0402  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act eliminating filing and service fees for plaintiffs seeking  
2 relief from domestic abuse.

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

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1 Section 1. Section 236.3, unnumbered paragraph 2, Code  
2 2001, is amended by striking the unnumbered paragraph and  
3 inserting in lieu thereof the following:

4 The filing fee for an order for protection under this  
5 chapter shall be waived for the plaintiff. The court  
6 administrator, the sheriff of any county in this state, and  
7 other law enforcement and corrections officers shall perform  
8 their duties relating to service of process without charge to  
9 the petitioner. The court may direct the defendant to pay to  
10 the court administrator the plaintiff's filing fees and  
11 reasonable costs of service of process if the court determines  
12 the defendant has the ability to pay the plaintiff's fees and  
13 costs.

14 Sec. 2. Section 236.19, subsection 5, Code 2001, is  
15 amended as follows:

16 5. Filing and service costs in connection with foreign  
17 protective orders ~~may-be~~ are waived ~~or-deferred~~ as provided in  
18 section 236.3.

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#### EXPLANATION

20 This bill eliminates filing and service of process fees for  
21 plaintiffs seeking relief from domestic abuse, and allows the  
22 court to determine whether these fees should be assessed to  
23 the defendant. Current law allows the court discretion to  
24 determine whether payment of filing and service of process  
25 fees would prejudice the plaintiff's ability to provide  
26 economic necessities for the plaintiff or the plaintiff's  
27 dependents.

28 The bill is proposed to comply with the federal Violence  
29 Against Women Act funding certification requirements.

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Substituted for by SF 347  
4-9-01  
(p. 1114)

4/6/01 UNFINISHED BUSINESS CALENDAR

FEB 26 2001  
Place On Calendar

HOUSE FILE 402  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 137)

**WITHDRAWN**  
4-9-01

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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HF 402

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29 Against Women Act funding certification requirements.

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1 Amend House File 402 as follows:

2 1. Page 1, line 4, by inserting after the word  
3 "fee" the following: "and court costs".

4 2. Page 1, lines 5 and 6, by striking the words  
5 "court administrator" and inserting the following:  
6 "clerk of court".

7 3. Page 1, by striking line 9 and inserting the  
8 following: "the petitioner. When an order for  
9 protection is entered by the court, the court may  
10 direct the defendant to pay to".

11 4. Page 1, by striking line 10 and inserting the  
12 following: "the clerk of court the plaintiff's filing  
13 fees and".

14 5. Page 1, line 15, by inserting after the word  
15 "amended" the following: "to read".

16 6. Title page, line 1, by inserting after the  
17 word "eliminating" the following: "court costs and".

18 7. By renumbering as necessary.

By KREIMAN of Davis  
BROERS of Cerro Gordo

H-1202 FILED MARCH 6, 2001

*Adopted*  
*4-9-01*  
*(P. 1114)*

**HOUSE FILE 402  
FISCAL NOTE**

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A fiscal note for **House File 402** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 402 eliminates the filing and service fees for plaintiffs seeking relief from domestic abuse.

**ASSUMPTIONS**

1. Iowa's current STOP Violence Against Women Formula Grants Program supports the equivalent of 65.74 FTE federal positions at the local level annually.
2. According to the U.S. Department of Justice, Iowa is not in compliance with the federal mandate. The federal mandate states that in order to qualify for STOP funds, the State must not require the victim to bear the costs associated with the filing of criminal charges against the offender.
3. Should Iowa fail to comply with the federal mandate, Iowa faces sanctions ranging from a percentage cut in STOP funding to suspension of the award in its entirety until Iowa's laws, policies, and practices are deemed to be in compliance.
4. If the State continues to charge for pro se no contact orders, the State risks impacting our eligibility to receive Discretionary Grant funding directly from the federal Violence Against Women Office.
5. Presently, Iowa has five pending Rural Domestic Violence and Child Victimization Grants and an additional three proposals that will be submitted for funding on or before March 14, 2001.
6. Due to decreased federal allocations, there has been a 15.0% reduction in STOP funding under current law.
7. The \$80 filing fee could be assessed to the defendant as a part of court costs.
8. Fees collected from pro se no contact orders were approximately \$72,000 in FY 1999 and \$123,000 in FY 2000. Approximately \$62,000 has been collected year-to-date for FY 2001.
9. In calendar year 2000, there were 5,497 no contact orders under Chapter 236.

**FISCAL IMPACT**

If the State of Iowa does not comply with the federal mandate, the State could lose up to approximately \$1.4 million in federal funding for domestic abuse shelters.

If the State does comply with the federal mandate, the General Fund would realize a decrease of approximately \$100,000 a year in filing fees, however, this could be assessed to the defendant as court costs.

SOURCES

Judicial Department  
Office of Drug Control Policy

(LSB 2396hv, JDD)

FILED MARCH 5, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR