

CHAPTER 236 PROTECTIVE ORDER CHECKLIST

1. HAS THERE BEEN AN ASSAULT? ONE OR MORE OF THE FOLLOWING MUST APPLY:

A person commits an assault when, without justification, the person does any of the following:

_____ Any act which is intended to or results in physical contact which will be painful, injurious or insulting to another;

_____ Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to imminently execute the act ; or

_____ Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

If none of the above applies a chapter 236 protective order cannot be granted. If there *has been* an assault answer Question No. 2.

SOURCE: Iowa Code section 708.1 (2017).

2. IS THERE A PROTECTED RELATIONSHIP? AN ORDER CAN BE ISSUED ONLY WHEN THE RELATIONSHIP BETWEEN THE PARTIES FITS AT LEAST ONE OF THE FOLLOWING DESCRIPTIONS:

_____ The assault is between family or household members who resided together at the time of the assault. Family or household members means spouses, persons cohabiting in an intimate relationship, parents, or other persons related by blood or marriage. It does not include people living together as roommates. Family or household members does not include children under age eighteen of the following - spouses, persons who live together as lovers, persons cohabiting as roommates, parents, or other persons related by blood or marriage; or

_____ The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault; or

_____ The assault is between persons who are parents of the same minor child

_____ The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault; or

_____ The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the year prior to the assault.

If *none* of the above describes the relationship between the parties a chapter 236 protective order **cannot** be granted. If there has been an assault and there is a protected relationship, a chapter 236 order can be granted.

SOURCE: Iowa Code section 236.2 (2017).