

Select Victims' Rights – Iowa

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Iowa and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Iowa, see the companion resource: *Law Enforcement-Based Victim Services in Iowa: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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<p>SELECT DEFINITIONS</p>	<p>Iowa Statutes</p>
<p>Victims’ Rights Act: Registration, Notification and Rights Definitions.</p> <p>As used in this subchapter, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “Notification” means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an office, agency, or department from also providing appropriate information to a registered victim by telephone, electronic mail, or other means. 2. “Registered” means having provided the county attorney with the victim’s written request for registration and current mailing address and telephone number. “Registered” also means having provided the county attorney notice in writing that the victim has filed a request for registration with the automated victim notification system established pursuant to section 915.10A. 3. “Victim” means a person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act, other than a simple misdemeanor, committed in this state. “Victim” also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense. 4. “Victim impact statement” means a written or oral presentation to the court by the victim or the victim’s representative that indicates the physical, emotional, financial, or other effects of the offense upon the victim. 5. “Violent crime” means a forcible felony, as defined in section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons. 	<p>Iowa Code Ann. § 915.10.</p>

<p> These definitions apply to the portion of Iowa’s Victims’ Rights Act governing registration, notification and rights in criminal proceedings, Iowa Code Ann. §§ 915.10 through 915.23. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims’ Right to Request Victim Counselor Presence at Court Proceedings Definitions.</p> <p>As used in this section, unless the context otherwise requires:</p> <p>a. “Proceedings related to the offense” means any activities engaged in or proceedings commenced by a law enforcement agency, judicial district department of correctional services, or a court pertaining to the commission of a public offense against the victim, in which the victim is present, as well as examinations of the victim in an emergency medical facility due to injuries from the public offense which do not require surgical procedures. “Proceedings related to the offense” includes, but is not limited to, law enforcement investigations, pretrial court hearings, trial and sentencing proceedings, and proceedings relating to the preparation of a presentence investigation report in which the victim is present.</p> <p>b. “Victim counselor” means a victim counselor as defined in section 915.20A.</p> <p> These definitions apply to the statute governing victim counselor presence at court proceedings, Iowa Code Ann. § 915.20(2)–(3). This statutory provision is included below.</p>	<p>Iowa Code Ann. § 915.20(1).</p>

<p>Victim Counselor-Victim Privilege Definitions.</p> <p>As used in this section:</p> <p>a. “Confidential communication” means information shared between a crime victim and a victim counselor within the counseling relationship, and includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim. “Confidential information” is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.</p> <p>b. “Crime victim center” means any office, institution, agency, or crisis center offering assistance to victims of crime and their families through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling.</p> <p>c. “Victim” means a person who consults a victim counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a violent crime committed against the person.</p> <p>d. “Victim counselor” means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a “victim counselor” under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, by the Iowa organization of victim assistance, by the Iowa coalition against sexual assault, or by the Iowa coalition against domestic violence, which shall include but not be limited to, the dynamics of victimization, substantive laws relating to violent crime, sexual assault, and domestic violence, crisis</p>	<p>Iowa Code Ann. § 915.20A(1).</p>
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<p>intervention techniques, communication skills, working with diverse populations, an overview of the state criminal justice system, information regarding pertinent hospital procedures, and information regarding state and community resources for victims of crime.</p> <p> These definitions apply to the Victim Counselor-Victim Privilege, Iowa Code Ann. § 916.2. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Certain Child-Victims’ Rights and Services Definition of “Victim.”</p> <p>As used in this section, “victim” means a minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709, 710A, or 726 or who has been the subject of a forcible felony.</p> <p> This definition applies to § 915.35(2)–(4). This provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Iowa Code Ann. § 915.35(1).</p>
<p>Sexual Assault Victims’ Rights Definitions.</p> <p>As used in this subchapter, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “AIDS” means acquired immune deficiency syndrome as defined by the centers for disease control of the United States department of health and human services. 2. “Alleged offender” means a person who has been charged with the commission of a sexual assault or a juvenile who has been charged in juvenile court with being a delinquent as the result of actions that would constitute a sexual assault. 	<p>Iowa Code Ann. § 915.40.</p>

<p>3. "Authorized representative" means an individual authorized by the victim to request an HIV-related test of a convicted or alleged offender who is any of the following:</p> <ul style="list-style-type: none">a. The parent, guardian, or custodian of the victim if the victim is a minor.b. The physician of the victim.c. The victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results.d. The victim's spouse.e. The victim's legal counsel. <p>4. "Convicted offender" means a person convicted of a sexual assault or a juvenile who has been adjudicated delinquent for an act of sexual assault.</p> <p>5. "Department" means the Iowa department of public health.</p> <p>6. "Division" means the crime victims assistance division of the office of the attorney general.</p> <p>7. "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.</p> <p>8. "HIV-related test" means a test for the antibody or antigen to HIV.</p> <p>9. "Petitioner" means a person who is the victim of a sexual assault which resulted in alleged significant exposure or the parent, guardian, or custodian of a victim if the victim is a minor, for whom the county attorney files a petition with the district court to require the convicted offender to undergo an HIV-related test.</p> <p>10. "Sexual assault" means sexual abuse as defined in section 709.1, or any other sexual offense by which a victim has allegedly had sufficient contact with a convicted or an alleged offender to be deemed a significant exposure.</p>	
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<p>11. "Significant exposure" means contact of the victim's ruptured or broken skin or mucous membranes with the blood or bodily fluids, other than tears, saliva, or perspiration of the convicted or alleged offender. "Significant exposure" is presumed to have occurred when there is a showing that there was penetration of the convicted or alleged offender's penis into the victim's vagina or anus, contact between the mouth and genitalia, or contact between the genitalia of the convicted or alleged offender and the genitalia or anus of the victim.</p> <p>12. "Victim" means a petitioner or a person who is the victim of a sexual assault which resulted in significant exposure, or the parent, guardian, or custodian of such a victim if the victim is a minor, for whom the victim or the peace officer files an application for a search warrant to require the alleged offender to undergo an HIV-related test. "Victim" includes an alleged victim.</p> <p>13. "Victim counselor" means a person who is engaged in a crime victim center as defined in section 915.20A, who is certified as a counselor by the crime victim center, and who has completed at least twenty hours of training provided by the Iowa coalition against sexual assault or a similar agency.</p> <p> These definitions apply to the portion of Iowa's code governing the rights of sexual assault victims, Iowa Code Ann. §§ 915.40 through 915.46. Most of these provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Sexual Abuse Evidence Collection Kits Automated Tracking System Definitions.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>As used in this section:</p> <p>a. "Forensic medical examination" means the same as defined in section 709.10.</p> <p>b. "Kit" means the same as defined in section 709.10.</p>	<p>Iowa Code Ann. § 915.53(1).</p>

<p>c. “Kit tracking system” means the automated sexual abuse evidence collection kit tracking system established pursuant to this section.</p> <p>d. “Laboratory” means the same as defined in section 709.10.</p> <p> These definitions apply to Iowa Code Ann. § 915.53(2)–(8). This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Military Victim Advocate-Victim Privilege Definitions.</p> <p>As used in this chapter:</p> <ol style="list-style-type: none"> 1. “Confidential communication” means confidential information shared between a victim and a military victim advocate within the advocacy relationship, and includes all information received by the advocate and any advice, report, or working paper given to or prepared by the advocate in the course of the advocacy relationship with the victim. “Confidential information” is information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the advocate is consulted by the victim. 2. “Military victim advocate” or “advocate” means a person who is a member of the national guard or a branch of the armed forces of the United States and who has completed a military victim advocate course provided by a branch of the armed forces of the United States or by the United States department of defense. 3. “Special victims’ counsel” means military personnel who are members of the judge advocate general’s corps of the national guard or a branch of the armed forces of the United States, who have completed special victims’ counsel training, and who are serving as a 	<p>Iowa Code Ann. § 916.1.</p>

<p>special victims’ counsel to a victim. For the purposes of this chapter, special victims’ counsel shall also be considered military victim advocates.</p> <p>4. “Victim” means a person who consults a military victim advocate for the purpose of securing advice, advocacy, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual crime committed against the person.</p> <p> These definitions apply to the Military Victim Advocate-Victim Privilege, Iowa Code Ann. § 916.2. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Address Confidentiality Program Definitions.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>As used in this chapter, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this chapter. 2. “Applicant” means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person as defined in section 633.701. 3. “Designated address” means the mailing address assigned to a program participant by the secretary. 4. “Domestic abuse” means the same as defined in section 236.2. 5. “Domestic abuse assault” means the same as defined in section 708.2A. 	<p>Iowa Code Ann. § 9E.2.</p>

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| <p>6. a. “Eligible person” means a person who is a resident of this state, an adult, a minor, or an incapacitated person as defined in section 633.701, and is one of the following:</p> <ul style="list-style-type: none">(1) A victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking as evidenced by the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.1, 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.(2) A currently active or retired state or local judicial officer, as defined in section 4.1, a federal judge, or a spouse or child of such a person.(3) A currently active or retired state or local prosecuting attorney, as defined in section 801.4, or a spouse or child of such a person.(4) A currently active or retired peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or a spouse or child of such a person. <p>b. For purposes of this subsection, a person determined to be a sexually violent predator pursuant to section 229A.7, a person required to register as a sex offender under chapter 692A, or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar laws of another state is not an eligible person.</p> <p>7. “Human trafficking” means a crime described in section 710A.2.</p> <p>8. “Mail” means first-class letters and flats delivered via the United States postal service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.</p> <p>9. “Program” means the address confidentiality program established in this chapter.</p> <p>10. “Program participant” means an individual certified by the secretary as a program participant under section 9E.3.</p> <p>11. “Secretary” means the secretary of state.</p> <p>12. “Sexual abuse” means a violation of any provision of chapter 709.</p> | |
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<p>13. “Stalking” means the same as defined in section 708.11.</p> <p> These definitions apply to Iowa’s Address Confidentiality Program, Iowa Code Ann. §§ 9E.1 through 9.E8. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Elder Abuse Victims and Protective Order Definitions.</p> <p>As used in this chapter, unless the context otherwise requires:</p> <p>1. “Attorney in fact” means an agent under a power of attorney pursuant to chapter 633B or an attorney in fact under a durable power of attorney for health care pursuant to chapter 144B.</p> <p>2. “Caretaker” means a related or nonrelated person who has the responsibility for the protection, care, or custody of a vulnerable elder as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. “Caretaker” does not include a caretaker as defined in section 235E.1.</p> <p>3. “Coercion” means communication or conduct which unduly compels a vulnerable elder to act or refrain from acting against the vulnerable elder’s will and against the vulnerable elder’s best interests.</p> <p>4. “Conservator” means the same as defined in section 633.3.</p> <p>5. a. “Elder abuse” means any of the following: (1) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a vulnerable elder by a person not otherwise governed by chapter 235E.</p>	<p>Iowa Code Ann. § 235F.1.</p>

<p>(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a vulnerable elder.</p> <p>(3) Neglect which is the deprivation of the minimum food, shelter, clothing, supervision, or physical or mental health care, or other care necessary to maintain a vulnerable elder's life or health by a caretaker.</p> <p>(4) Financial exploitation.</p> <p>b. "Elder abuse" does not include any of the following:</p> <p>(1) Circumstances in which the vulnerable elder declines medical treatment if the vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p> <p>(2) Circumstances in which the vulnerable elder's caretaker, acting in accordance with the vulnerable elder's stated or implied consent, declines medical treatment if the vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p> <p>(3) The withholding or withdrawing of health care from a vulnerable elder who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the vulnerable elder or at the request of the vulnerable elder's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.</p> <p>(4) Good faith assistance by a family or household member or other person in managing the financial affairs of a vulnerable elder at the request of the vulnerable elder or at the request of a family member, guardian, or conservator of the vulnerable elder.</p> <p>6. "Family or household member" means a spouse, a person cohabiting with the vulnerable elder, a parent, or a person related to the vulnerable elder by consanguinity or affinity, but does not include children of the vulnerable elder who are less than eighteen years of age.</p> <p>7. "Fiduciary" means a person or entity with the legal responsibility to make decisions on behalf of and for the benefit of a vulnerable elder and to act in good faith and with fairness. "Fiduciary" includes but is not limited to an attorney in fact, a guardian, or a conservator.</p>	
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<p>8. "Financial exploitation" relative to a vulnerable elder means when a person stands in a position of trust or confidence with the vulnerable elder and knowingly and by undue influence, deception, coercion, fraud, or extortion, obtains control over or otherwise uses or diverts the benefits, property, resources, belongings, or assets of the vulnerable elder.</p> <p>9. "Guardian" means the same as defined in section 633.3.</p> <p>10. "Peace officer" means the same as defined in section 801.4.</p> <p>11. "Plaintiff" means a vulnerable elder who files a petition under this chapter and includes a substitute petitioner who files a petition on behalf of a vulnerable elder under this chapter.</p> <p>12. "Present danger of elder abuse" means a situation in which the defendant has recently threatened the vulnerable elder with initial or additional elder abuse, or the potential exists for misappropriation, misuse, or removal of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder combined with reasonable grounds to believe that elder abuse is likely to occur.</p> <p>13. "Pro se" means a person proceeding on the person's own behalf without legal representation.</p> <p>14. "Stands in a position of trust or confidence" means the person has any of the following relationships relative to the vulnerable elder:</p> <ul style="list-style-type: none"> a. Is a parent, spouse, adult child, or other relative by consanguinity or affinity of the vulnerable elder. b. Is a caretaker for the vulnerable elder. c. Is a person who is in a confidential relationship with the vulnerable elder. For the purposes of this paragraph "c", a confidential relationship does not include a legal, fiduciary, or ordinary commercial or transactional relationship the vulnerable elder may have with a bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, any credit union organized under the provisions of any state or federal law, any attorney 	
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<p>licensed to practice law in this state, or any agent, agency, or company regulated under chapter 505, 508, 515, or 543B.</p> <p>15. “Substitute petitioner” means a family or household member, guardian, conservator, attorney in fact, or guardian ad litem for a vulnerable elder, or other interested person who files a petition under this chapter.</p> <p>16. “Undue influence” means taking advantage of a person’s role, relationship, or authority to improperly change or obtain control over the actions or decision making of a vulnerable elder against the vulnerable elder’s best interests.</p> <p>17. “Vulnerable elder” means a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.</p> <p> These definitions apply to the portion of Iowa law governing petitions for protective orders brought by victims of elder abuse, Iowa Code Ann. §§ 235F.1 through 235F.8. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Domestic Abuse Victims and Protective Order Definitions.</p> <p>For purposes of this chapter, unless a different meaning is clearly indicated by the context:</p> <ol style="list-style-type: none"> 1. “Department” means the department of justice. 2. “Domestic abuse” means committing assault as defined in section 708.1 under any of the following circumstances: <ol style="list-style-type: none"> a. The assault is between family or household members who resided together at the time of the assault. b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault. 	<p>Iowa Code Ann. § 236.2.</p>

- c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- d. 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.
- e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:
 - (a) The duration of the relationship.
 - (b) The frequency of interaction.
 - (c) Whether the relationship has been terminated.
 - (d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.
- (2) A person may be involved in an intimate relationship with more than one person at a time.
- 3. "Emergency shelter services" include but are not limited to secure crisis shelters or housing for victims of domestic abuse.
- 4. a. "Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity.
b. "Family or household members" does not include children under age eighteen of persons listed in paragraph "a".
- 5. "Intimate relationship" means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.
- 6. "Plaintiff" includes a person filing an action on behalf of an unemancipated minor.
- 7. "Pro se" means a person proceeding on the person's own behalf without legal representation.

<p>8. “Support services” include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.</p> <p> These definitions apply to the portion of Iowa law governing petitions for protective orders brought by victims of domestic abuse, Iowa Code Ann. §§ 236.1 through 236.20. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Abuse Victims and Protective Order Definitions.</p> <p>For purposes of this chapter, unless a different meaning is clearly indicated by the context:</p> <ol style="list-style-type: none"> 1. “Department” means the department of justice. 2. “Emergency shelter services” include but are not limited to secure crisis shelters or housing for victims of sexual abuse. 3. “Plaintiff” includes a person filing an action on behalf of an unemancipated minor. 4. “Pro se” means proceeding on one’s own behalf without legal representation. 5. “Sexual abuse” means any commission of a crime defined in chapter 709 or section 726.2 or 728.12. “Sexual abuse” also means any commission of a crime in another jurisdiction under a statute that is substantially similar to any crime defined in chapter 709 or section 726.2 or 728.12. 6. “Support services” include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services. 	<p>Iowa Code Ann. § 236A.2.</p>

<p> These definitions apply to the portion of Iowa law governing petitions for protective orders brought by victims of sexual abuse, Iowa Code Ann. §§ 236A.1 through 236A.20. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Abuse Victims’ Rights Regarding Evidence Definitions.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>As used in this section:</p> <ul style="list-style-type: none"> a. “Forensic medical examination” means a sexual abuse examination by a health care provider for the purpose of gathering and preserving evidence of sexual abuse. b. “Kit” means a sexual abuse evidence collection kit that includes a human biological specimen collected by a health care provider during a forensic medical examination. c. “Kit tracking system” means the automated sexual abuse evidence collection kit tracking system established pursuant to section 915.53. d. “Laboratory” means the state criminalistics laboratory or similar qualified laboratory. e. “Law enforcement agency” means any governmental agency that investigates persons suspected of or charged with a sex abuse crime. “Law enforcement agency” also includes any governmental agency that collects, stores, processes, transmits, or disseminates analysis of evidence collected in connection with a sexual abuse related crime. <p> These definitions apply to Iowa Code Ann. § 709.10(2)–(15). These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Iowa Code Ann. § 709.10(1).</p>

<p>Victims' Right to Restitution Definitions.</p> <p>As used in this chapter, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. "Category "A" restitution" means fines, penalties, and surcharges. 2. "Category "B" restitution" means the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 13, paragraph "b", court costs, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and payment to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to section 249A.50. 3. "Criminal activities" means any crime for which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered and any other crime committed after July 1, 1982, which is admitted or not contested by the offender, whether or not prosecuted. However, "criminal activities" does not include simple misdemeanors under chapter 321. 4. "Financial affidavit" means a signed affidavit under penalty of perjury that provides financial information about the offender to enable the sentencing court or the department of corrections to make a determination regarding the ability of the offender to pay category "B" restitution. "Financial affidavit" includes the offender's income, physical and mental health, age, education, employment, inheritance, other debts, other amounts of restitution owed, family circumstances, and any assets subject to execution, including but not limited to cash, accounts at financial institutions, stocks, bonds, and any other property which may be applied to the satisfaction of judgments. 	<p>Iowa Code Ann. § 910.1.</p>
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5. "Local anticrime organization" means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located.
6. "Pecuniary damages" means all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, "pecuniary damages" includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.
7. "Permanent restitution order" means an enforceable restitution order entered either at the time of sentencing or at a later date determined by the court.
8. "Plan of payment" or "restitution plan of payment" means a plan for paying restitution wherein the defendant is ordered to pay a certain amount of money each month to repay outstanding restitution.
9. "Plan of restitution" means a permanent restitution order, restitution plan of payment, any other court order relating to restitution, or any combination of the foregoing.
10. "Restitution" means pecuniary damages, category "A" restitution, and category "B" restitution.
11. "Victim" means a person who has suffered pecuniary damages as a result of the offender's criminal activities. However, for purposes of this chapter, an insurer paying a victim's insurance claim is not a victim and does not have a right of subrogation. An insurer may be a victim for purposes of this chapter if insurance fraud in violation of section 507E.3 or 507E.3A has been perpetrated against the insurer. The crime victim compensation

<p>program is not an insurer for purposes of this chapter, and the right of subrogation provided by section 915.92 does not prohibit restitution to the crime victim compensation program.</p> <p> These definitions apply to Iowa’s restitution provisions, Iowa Code Ann. §§ 910.1 through 910.15. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims’ Right to Restitution Regarding Distribution of Moneys Received as the Result of the Commission of a Crime Definitions.</p> <p>As used in this section, unless the context otherwise requires:</p> <ul style="list-style-type: none"> a. “Convicted felon” means a person initially convicted, or found not guilty by reason of insanity, of a felony committed in Iowa, either by a court or jury trial or by entry of a guilty plea in court. b. “Escrow account” includes, but is not limited to, property in which the attorney general has assumed the powers of a receiver as provided in this section. c. “Felony” means a felony defined by any Iowa or United States statute. d. “Fruits of the crime” means any profit which, were it not for the commission of the felony, would not have been realized. e. “Proceeds” means all of the fruits of the crime from whatever source received by or owing to a felon or the felon’s representatives, whether earned, accrued, or paid before or after the conviction. It includes any interest, earnings, or accretions upon proceeds, and any property received in exchange for proceeds. 	<p>Iowa Code Ann. § 910.15(1).</p>

<p>f. “Representative of the convicted felon” means any person or entity receiving proceeds by designation of that convicted felon, or on behalf of that convicted felon, or in the stead of that convicted felon, whether by the felon’s designation or by operation of law.</p> <p>g. “Victim” means a person who has suffered physical, mental, or emotional harm or financial loss as the result of a felony committed in this state, for which the felon was convicted. The term also includes the father, mother, son, or daughter of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense.</p> <p> These definitions apply to the provision in Iowa’s restitution laws governing distribution of moneys received as a result of the commission of a crime, Iowa Code Ann. § 910.15. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
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<p>SELECT CRIME VICTIMS’ RIGHTS</p>	<p>Iowa Statutes</p>
<p>Establishment of Automated Victim Notification System.</p> <p>1. An automated victim notification system is established within the crime victim assistance division of the department of justice to assist public officials in informing crime victims, the victim’s family, or other interested persons as provided in this subchapter and where otherwise specifically provided. The system shall disseminate the information to registered users through telephonic, electronic, or other means of access.</p> <p>2. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the system to the extent information is available for dissemination through the system. Nothing in this section shall relieve a</p>	<p>Iowa Code Ann. § 915.10A.</p>

<p>notification obligation under this subchapter due to the unavailability of information for dissemination through the system.</p> <p>3. Notwithstanding section 232.147, information concerning juveniles charged with a felony offense shall be released to the extent necessary to comply with this section.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.11, which governs law enforcement’s obligations regarding victim registration in the notification system, is included below.</p> <p> A promising practice is to have a policy and procedure ensuring that, at the earliest possible time, victims are provided information regarding registration with and use of the state’s automated notification system. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Notice Regarding Registration in Automated Notification System; Victims’ Right to Notice Regarding Disposal of Forensic Medical Examination Kit; Law Enforcement’s Obligations Regarding Notifications.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. A local police department or county sheriff’s department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. A local police department or county sheriff’s department shall provide a telephone number and internet site to each victim to register with the automated victim notification system established pursuant to section 915.10A.</p>	<p>Iowa Code Ann. § 915.11.</p>

- 2. a. If a victim of a reported sexual abuse requests the results of an analysis of the evidence collected from the victim's forensic medical examination pursuant to section 709.10 and such analysis was completed, a local police department or county sheriff's department shall inform the victim of the results, including whether the analysis produced a DNA profile as defined in section 81.1 or a DNA match, either to the named alleged perpetrator of the sexual abuse or to a suspect already in the DNA database.
- b. Prior to the disposal of a kit by a law enforcement agency, the law enforcement agency shall notify the reported victim of the intended date of disposal of the kit, the reason for disposal of the kit, and the options that remain available for retention and analysis of the kit, if any. For purposes of this paragraph, "kit" means the same as defined in section 915.53.



Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



Iowa Code Ann. § 915.10A, which establishes the state's victim notification system, is included above.



Iowa Code § 709.10, which governs the rights of sexual assault victims regarding forensic medical examination kits, is included below.



A promising practice is to have a policy and procedure ensuring that, at the earliest possible time, victims are provided information regarding registration with and use of the state's automated notification system. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

 A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.	
<p>Victims’ Right to Register with Automated Notification System; Procedure for Registering with the Notification System; Victims’ Right to Notice of Their Registration and Their Rights; County Attorney’s Obligations Regarding Notice of Rights.</p> <p>1. A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victims in writing and advise them of their registration and rights under this subchapter. The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.</p> <p>2. A victim, the victim’s family, or other interested person may register with the automated victim notification system established pursuant to section 915.10A by filing a request for registration through written, telephonic, or electronic means.</p> <p>3. Notwithstanding chapter 22 or any other contrary provision of law, the registration of a victim, victim’s family, or other interested person shall be strictly maintained in a separate confidential file or other confidential medium, and shall be available only to the offices, agencies, and departments required to provide information under this subchapter.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.10A, which establishes the state’s victim notification system, is included above.</p>	<p>Iowa Code Ann. § 915.12.</p>

<p> A promising practice is to have a policy and procedure ensuring that, at the earliest possible time, victims are provided information regarding registration with and use of the state’s automated notification system. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	
<p>Victims’ Right to Notice of Court Proceedings and Available Rights; County Attorney’s Obligations to Provide Notice of Specific Information and Rights.</p> <p>1. The county attorney shall notify a victim registered with the county attorney’s office of the following:</p> <ul style="list-style-type: none"> a. The scheduled date, time, and place of trial, and the cancellation or postponement of a court proceeding that was expected to require the victim’s attendance, in any criminal case relating to the crime for which the person is a registered victim. b. The possibility of assistance through the crime victim compensation program, and the procedures for applying for that assistance. c. The right to restitution for pecuniary losses suffered as a result of crime, and the process for seeking such relief. d. The victim’s right to make a victim impact statement, in any of the following formats: <ul style="list-style-type: none"> (1) Written victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for filing such a statement. (2) Oral victim impact statement, delivered in court in the presence of the defendant. The victim shall also be notified of the time and place for such statement. (3) Video victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the video recording. 	<p>Iowa Code Ann. § 915.13.</p>

<p>(4) Audio victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the audio recording.</p> <p>e. The date on which the offender is released on bail or appeal, pursuant to section 811.5.</p> <p>f. Except where the prosecuting attorney determines that disclosure of such information would unreasonably interfere with the investigation, at the request of the registered victim, notice of the status of the investigation shall be provided by law enforcement authorities investigating the case, until the alleged assailant is apprehended or the investigation is closed.</p> <p>g. The right to be informed of any plea agreements related to the crime for which the person is a registered victim.</p> <p>2. The county attorney and the juvenile court shall coordinate efforts so as to prevent duplication of notification under this section and section 915.24.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	
<p>Victims’ Right to Notice of All Dispositional Orders; Clerk of District Court’s Obligation to Notify Victims of All Dispositional Orders and Discretion to Notify Victims of Other Orders Regarding Custody or Confinement.</p>	<p>Iowa Code Ann. § 915.14.</p>

<p>The clerk of the district court shall notify a registered victim of all dispositional orders of the case in which the victim was involved and may advise the victim of any other orders regarding custody or confinement.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	
<p>Victims’ Right to Notice of Information Related to Appeal; Department of Justice’s Obligation to Notify Victims of Certain Information Related to Appeal.</p> <p>The department of justice shall notify a registered victim of the filing of an appeal, the expected date of decision on the appeal as the information becomes available to the department, all dispositional orders in the appeal, and the outcome of the appeal of a case in which the victim was involved.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	<p>Iowa Code Ann. § 915.15.</p>
<p>Victims’ Right to Notice of Offender’s Release, Escape or Transfer from Local Custody; County Sheriff or Other Entity’s Obligation to Provide Such Notice.</p>	<p>Iowa Code Ann. § 915.16.</p>

<p>The county sheriff or other person in charge of the local jail or detention facility shall notify a registered victim of the following:</p> <ol style="list-style-type: none"> 1. The offender’s release from custody on bail and the terms or conditions of the release. 2. The offender’s final release from local custody. 3. The offender’s escape from custody. 4. The offender’s transfer from local custody to custody in another locality. <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	
<p>Victims’ Rights Regarding Notice of Release, Escape, Transfer and Employment from Department of Corrections; Department of Corrections’ Obligations to Provide Such Notice; Department of Corrections’ Obligations Regarding Reports of Escape.</p> <ol style="list-style-type: none"> 1. The department of corrections shall notify a registered victim, regarding an offender convicted of a violent crime and committed to the custody of the director of the department of corrections, of the following: <ol style="list-style-type: none"> a. The date on which the offender is expected to be released from custody on work release, and whether the offender is expected to return to the community where the registered victim resides. 	<p>Iowa Code Ann. § 915.17.</p>

- b. The date on which the offender is expected to be temporarily released from custody on furlough, and whether the offender is expected to return to the community where the registered victim resides.
- c. The offender's escape from custody.
- d. The recommendation by the department of the offender for parole consideration.
- e. The date on which the offender is expected to be released from an institution pursuant to a plan of parole or upon discharge of sentence.
- f. The transfer of custody of the offender to another state or federal jurisdiction.
- g. The procedures for contacting the department to determine the offender's current institution of residence.
- h. Information which may be obtained upon request pertaining to or the procedures for obtaining information upon request pertaining to the offender's current employer.

2. The director of the department of corrections, or the director's designee, having probable cause to believe that a person has escaped from a state correctional institution or a person convicted of a forcible felony who is released on work release has absconded from a work release facility shall:

- a. Make a complaint before a judge or magistrate. If it is determined from the complaint or accompanying affidavits that there is probable cause to believe that the person has escaped from a state correctional institution or that the forcible felon has absconded from a work release facility, the judge or magistrate shall issue a warrant for the arrest of the person.
- b. Issue an announcement regarding the fact of the escape of the person or the abscondence of the forcible felon to the law enforcement authorities in, and to the news media covering, communities in a twenty-five mile radius of the point of escape or abscondence.

 Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.

 A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.	
<p>Victims’ Right to Notice of Tracking and Monitoring of Certain Sex Offenders; Judicial District Department of Correctional Services’ Obligations Regarding Such Notice.</p> <p>A judicial district department of correctional services shall notify a registered victim, regarding a sex offender convicted of a sex offense against a minor who is under the supervision of a judicial district department of correctional services, of the following:</p> <ol style="list-style-type: none"> 1. The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used. 2. The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change. <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	<p>Iowa Code Ann. § 915.17A.</p>

<p>Victims’ Rights to Notice and to Be Heard Regarding Parole Board Hearings and Decisions; Parole Board’s Obligations Regarding Notice to Victims Pre- and Post-Decision.</p> <p>1. The board of parole shall notify a registered victim regarding an offender who has committed a violent crime as follows:</p> <p>a. Not less than twenty days prior to conducting a hearing at which the board will interview an offender, the board shall notify the victim of the interview and inform the victim that the victim may submit the victim’s opinion concerning the release of the offender in writing prior to the hearing or may appear personally or by counsel at the hearing to express an opinion concerning the offender’s release.</p> <p>b. Whether or not the victim appears at the hearing or expresses an opinion concerning the offender’s release on parole, the board shall notify the victim of the board’s decision regarding release of the offender.</p> <p>2. Offenders who are being considered for release on parole may be informed of a victim’s registration with the county attorney and the substance of any opinion submitted by the victim regarding the release of the offender.</p> <p>3. If the board of parole makes a recommendation to the governor for a reprieve, pardon, or commutation of sentence of an offender, as provided in section 914.3, the board shall forward with the recommendation information identifying a registered victim for the purposes of notification by the governor as required in section 915.19.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	<p>Iowa Code Ann. § 915.18.</p>
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<p>Victims’ Rights to Notice and to Be Heard Regarding Reprieve, Pardon or Commutation of an Offender Convicted of Violent Crime; Governor’s Obligations to Provide Notice and Information Regarding Right to Be Heard.</p> <p>1. Prior to the governor granting a reprieve, pardon, or commutation to an offender convicted of a violent crime, the governor shall notify a registered victim that the victim’s offender has applied for a reprieve, pardon, or commutation. The governor shall notify a registered victim regarding the application not less than forty-five days prior to issuing a decision on the application. The governor shall inform the victim that the victim may submit a written opinion concerning the application.</p> <p>2. The county attorney may notify an offender being considered for a reprieve, pardon, or commutation of sentence of a victim’s registration with the county attorney and the substance of any opinion submitted by the victim concerning the reprieve, pardon, or commutation of sentence.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.</p>	<p>Iowa Code Ann. § 915.19.</p>
<p>Victims’ Right to Request the Presence of a Victim Counselor at Court Proceedings.</p> <p>2. A victim counselor who is present as a result of a request by a victim shall not be denied access to any proceedings related to the offense.</p>	<p>Iowa Code Ann. § 915.20(2)–(3).</p>

<p>3. This section does not affect the inherent power of the court to regulate the conduct of discovery pursuant to the Iowa rules of criminal or civil procedure or to preside over and control the conduct of criminal or civil hearings or trials.</p> <p> Iowa Code Ann. §§ 915.10 and 915.20(1) define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victim Counselor-Victim Privilege.</p> <p>2. A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7. Under no circumstances shall the location of a crime victim center or the identity of the victim counselor be disclosed in any civil or criminal proceeding.</p> <p>3. If a victim is deceased or has been declared to be incompetent, this privilege specified in subsection 2 may be waived by the guardian of the victim or by the personal representative of the victim’s estate.</p> <p>4. A minor may waive the privilege under this section unless, in the opinion of the court, the minor is incapable of knowingly and intelligently waiving the privilege, in which case the parent or guardian of the minor may waive the privilege on the minor’s behalf if the parent or guardian is not the defendant and does not have such a relationship with the defendant that the parent or guardian has an interest in the outcome of the proceeding being favorable to the defendant.</p> <p>5. The privilege under this section does not apply in matters of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim</p>	<p>Iowa Code Ann. § 915.20A(2)–(9).</p>

at the time of the injury or the counselor's first contact with the victim after the injury, or where the counselor has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.

6. The failure of a counselor to testify due to this section shall not give rise to an inference unfavorable to the cause of the state or the cause of the defendant.

7. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:

- a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding.
- b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services.
- c. The information cannot be obtained by reasonable means from any other source.

8. In ruling on a motion under subsection 7, the court, or a different judge, if the motion was filed in a criminal proceeding to be tried to the court, shall adhere to the following procedure:

- a. The court may require the counselor from whom disclosure is sought or the victim claiming the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the victim and any other persons the victim is willing to have present.
- b. If the court determines that the information is privileged and not subject to compelled disclosure, the information shall not be disclosed by any person without the consent of the victim.
- c. If the court determines that certain information may be subject to disclosure, as provided in subsection 7, the court shall so inform the party seeking the information and shall order a subsequent hearing out of the presence of the jury, if any, at which the parties shall be allowed to examine the counselor regarding the information which the court has determined may be subject to disclosure. The court may accept other evidence at that time.
- d. At the conclusion of a hearing under paragraph "c", the court shall determine which information, if any, shall be disclosed and may enter an order describing the evidence which

<p>may be introduced by the moving party and prescribing the line of questioning which may be permitted. The moving party may then offer evidence pursuant to the court order. However, no victim counselor is subject to exclusion under rule of evidence 5.615.</p> <p>9. This section does not relate to the admission of evidence of the victim’s past sexual behavior which is strictly subject to rule of evidence 5.412.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Rule of Evidence 5.412 governs the admissibility of a sexual abuse victim’s sexual history in criminal cases.</p>	
<p>Victims’ Rights Regarding Impact Statements: Methods of Providing Impact Statements; Contents of Impact Statements; No Statement Under Oath or Subject to Cross Examination at Sentencing.</p> <p>1. A victim may present a victim impact statement to the court using one or more of the following methods:</p> <p>a. A victim may file a signed victim impact statement with the county attorney, and a filed impact statement shall be included in the presentence investigation report. If a presentence investigation report is not ordered by the court, a filed victim impact statement shall be provided to the court prior to sentencing. Unless requested otherwise by the victim, the victim impact statement shall be presented at the sentencing hearing in the presence of the defendant, and at any hearing regarding reconsideration of sentence. The victim impact statement may be presented by the victim or the victim’s attorney or designated representative.</p> <p>b. A victim may orally present a victim impact statement at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.</p>	<p>Iowa Code Ann. § 915.21.</p>

c. A victim may make a video recording of a statement or, if available, may make a statement from a remote location through a video monitor at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.

d. A victim may make an audio recording of the statement or appear by audio via a speakerphone to make a statement, to be delivered in court in the presence of the defendant, and at any hearing regarding reconsideration of sentence.

e. If the victim is unable to make an oral or written statement because of the victim's age, or mental, emotional, or physical incapacity, the victim's attorney or a designated representative shall have the opportunity to make a statement on behalf of the victim.

2. A victim impact statement shall include the identification of the victim of the offense, and may include the following:

a. Itemization of any economic loss suffered by the victim as a result of the offense. For purposes of this paragraph, a pecuniary damages statement prepared by a county attorney pursuant to section 910.3 may serve as the itemization of economic loss.

b. Identification of any physical injury suffered by the victim as a result of the offense with detail as to its seriousness and permanence.

c. Description of any change in the victim's personal welfare or familial relationships as a result of the offense.

d. Description of any request for psychological services initiated by the victim or the victim's family as a result of the offense.

e. Any other information related to the impact of the offense upon the victim.

3. A victim shall not be placed under oath and subjected to cross-examination at the sentencing hearing.

4. Nothing in this section shall be construed to affect the inherent power of the court to regulate the conduct of persons present in the courtroom.

 Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p>Victims’ Right to Civil Restraining and Protective Orders to Restrain and Prevent Intimidation and Harassment.</p> <p>1. Upon application, the court shall issue a temporary restraining order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this subchapter.</p> <p>a. A temporary restraining order may be issued under this subsection without written or oral notice to the adverse party or the party’s attorney in a civil action under this section or in a criminal case if the court finds, upon written certification of facts, that the notice should not be required and that there is a reasonable probability that the party will prevail on the merits. The temporary restraining order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.</p> <p>b. A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed immediately in the office of the clerk of the district court issuing the order.</p> <p>c. A temporary restraining order issued under this section shall expire at such time as the court directs, not to exceed ten days from issuance. The court, for good cause shown before expiration of the order, may extend the expiration date of the order for up to ten days, or for a longer period agreed to by the adverse party.</p> <p>d. When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character. If the party does not proceed with the application for a protective order when the motion is heard, the court shall dissolve the temporary restraining order.</p> <p>e. If, after two days’ notice to the party or after a shorter notice as the court prescribes, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine the motion as expeditiously as possible.</p>	<p>Iowa Code Ann. § 915.22.</p>
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2. Upon motion of the party, the court shall issue a protective order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this chapter.

a. At the hearing, any adverse party named in the complaint has the right to present evidence and cross-examine witnesses.

b. A protective order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

c. The court shall set the duration of the protective order for the period it determines is necessary to prevent the harassment or intimidation of the victim or witness, but the duration shall not be set for a period in excess of one year from the date of the issuance of the order. The party, at any time within ninety days before the expiration of the order, may apply for a new protective order under this section.

3. Violation of a restraining or protective order issued under this section constitutes contempt of court and may be punished by contempt proceedings.

4. An application may be made pursuant to this section in a criminal case, and if made, a district associate judge or magistrate having jurisdiction of the highest offense charged in the criminal case or a district judge shall have jurisdiction to enter an order under this section.

5. The clerk of the district court shall provide notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged violation of section 708.2A to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5 or 236A.7. The clerk shall provide notice and copies of modifications or vacations of these orders in the same manner.



Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

<p>Victims’ Employment-Related Rights Regarding Participation as Witnesses in Criminal Proceedings.</p> <p>1. An employer shall not discharge an employee, or take or fail to take action regarding an employee’s promotion or proposed promotion, or take action to reduce an employee’s wages or benefits for actual time worked, due to the service of an employee as a witness in a criminal proceeding or as a plaintiff, defendant, or witness in a civil proceeding pursuant to chapter 235F or 236.</p> <p>2. An employer who violates this section commits a simple misdemeanor.</p> <p>3. An employee whose employer violates this section shall also be entitled to recover damages from the employer. Damages recoverable under this section include, but are not limited to, actual damages, court costs, and reasonable attorney fees.</p> <p>4. The employee may also petition the court for imposition of a cease and desist order against the person’s employer and for reinstatement to the person’s previous position of employment.</p> <p> Iowa Code Ann. § 915.10 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Iowa Code Ann. § 915.23.</p>
<p>Services for Certain Child-Victims; Child Protection Assistance Teams.</p>	<p>Iowa Code Ann. § 915.35(2)–(4).</p>

2. A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim's parents or guardians.

3. Such a professional shall notify the victim if the professional is required to report an incidence of child abuse involving the victim pursuant to section 232.69.

4. a. A child protection assistance team involving the county attorney, law enforcement personnel, and personnel of the department of human services shall be established for each county by the county attorney. However, by mutual agreement, two or more county attorneys may establish a single child protection assistance team to cover a multicounty area. A child protection assistance team, to the greatest extent possible, may be consulted in cases involving a forcible felony against a child who is less than age fourteen in which the suspected offender is the person responsible for the care of a child, as defined in section 232.68. A child protection assistance team may also be utilized in cases involving a violation of chapter 709 or 726 or other crime committed upon a victim as defined in subsection 1.

b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations. A child protection assistance team may work cooperatively with the early childhood Iowa area board established under chapter 256I. The child protection assistance team shall work with the department of human services in accordance with section 232.71B, subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse assessments and for law enforcement agencies working jointly with the department at the local level in processes for child abuse assessments. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.



Iowa Code Ann. § 915.35 defines the "victim" used in this provision to mean any minor under the age of eighteen who has been sexually abused, subject to other unlawful sexual conduct or who has been the subject of a forcible felony. This definition is included above

<p>in the section “Select Definitions.”</p>	
<p>Child-Victims’ Privacy-Related Rights; Nondisclosure of Victims’ Identifying Information.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <ol style="list-style-type: none"> 1. Prior to an arrest or the filing of an information or indictment, whichever occurs first, against a person charged with a violation of chapter 709, section 726.2, or section 728.12, committed with or on a child, as defined in section 232.2, the identity of the child or any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as authorized by the court having jurisdiction. 2. In order to protect the welfare of the child, the name of the child and identifying biographical information shall not appear on the information or indictment or any other public record including any civil filings arising from the criminal violation. Instead, a nondescriptive designation shall appear on all public records. The nonpublic records containing the child’s name and identifying biographical information shall be kept by the court. This subsection does not apply to the release of information to a defendant or defendant’s counsel; however, the use or release of this information by the defendant or defendant’s counsel for purposes other than the preparation of defense constitutes contempt. 3. A person who willfully violates this section or who willfully neglects or refuses to obey a court order made pursuant to this section commits contempt. 4. A release of information in violation of this section does not bar prosecution or provide grounds for dismissal of charges. 5. This section also applies to an alleged victim of a violation of chapter 709, section 726.2, or section 728.12, who has attained the age of eighteen but who was a child, as defined in section 232.2, at the time the violation occurred. 	<p>Iowa Code Ann. § 915.36.</p>

 <p>To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that child-victims’ locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of employment) is redacted when law enforcement compiles or reports child-victim information.</p>	
<p>Child-Victims’ Right to Interview or Deposition Outside Defendants’ Presence.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>A prosecuting witness who is a minor shall have the right to have the interview or deposition taken outside of the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition or in a manner that ensures that the defendant shall not have contact with the minor. The defendant shall be allowed to communicate with the defendant’s counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.</p>	<p>Iowa Code Ann. § 915.36A.</p>
<p>Certain Child-Victims’ Right to Be Represented by Guardian ad Litem; Guardian ad Litem’s Right to Notice of and Presence at All Depositions, Hearings and Trial Proceedings; Limitations on Guardian ad Litem’s Representation.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. a. A prosecuting witness who is a child in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness’s interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the</p>	<p>Iowa Code Ann. § 915.37.</p>

<p>compatibility of the child and the child’s interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court.</p> <p>b. For purposes of this subsection, “child” means a person under eighteen years of age.</p> <p>2. References in this section to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in section 232.2, subsection 9.</p> <p> Under Iowa Code Ann. § 232.2(9), a “court appointed special advocate” is “a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.”</p> <p> A promising practice when notifying child-victims of their right to be represented by a guardian ad litem is to explain the different roles of a prosecuting attorney vs. a guardian ad litem appointed to represent the child-victim’s interests, as well as the limitations on the guardian ad litem’s representation, as specified in this provision.</p>	
<p>Child-Victims’ Rights Regarding Alternative Means of Testifying and Limits on Duration of Testimony.</p> <p>1. a. Upon its own motion or upon motion of any party, a court may protect a minor, as defined in section 599.1, from trauma caused by testifying in the physical presence of the</p>	<p>Iowa Code Ann. § 915.38.</p>

defendant where it would impair the minor's ability to communicate, by ordering that the testimony of the minor be taken in a room other than the courtroom and be televised by closed-circuit equipment for viewing in the courtroom. However, such an order shall be entered only upon a specific finding by the court that such measures are necessary to protect the minor from trauma. Only the judge, prosecuting attorney, defendant's attorney, persons necessary to operate the equipment, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the minor may be present in the room with the minor during the minor's testimony. The judge shall inform the minor that the defendant will not be present in the room in which the minor will be testifying but that the defendant will be viewing the minor's testimony through closed-circuit television.

b. During the minor's testimony the defendant shall remain in the courtroom and shall be allowed to communicate with the defendant's counsel in the room where the minor is testifying by an appropriate electronic method.

c. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, an intellectual disability, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

2. The court may, upon its own motion or upon motion of a party, order that the testimony of a minor, as defined in section 599.1, be taken by recorded deposition for use at trial, pursuant to rule of criminal procedure 2.13(2)(b). In addition to requiring that such testimony be recorded by stenographic means, the court may on motion and hearing, and upon a finding that the minor is unavailable as provided in rule of evidence 5.804(a), order the videotaping of the minor's testimony for viewing in the courtroom by the court. The videotaping shall comply with the provisions of rule of criminal procedure 2.13(2)(b), and shall be admissible as evidence in the trial. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, an intellectual disability, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

3. The court may upon motion of a party admit into evidence the recorded statements of a child, as defined in section 702.5, describing sexual contact performed with or on the child, not otherwise admissible in evidence by statute or court rule if the court determines that the

<p>recorded statements substantially comport with the requirements for admission under rule of evidence 5.803(24) or 5.804(b)(5).</p> <p>4. A court may, upon its own motion or upon the motion of a party, order the court testimony of a child to be limited in duration in accordance with the developmental maturity of the child. The court may consider or hear expert testimony in order to determine the appropriate limitation on the duration of a child’s testimony. However, the court shall, upon motion, limit the duration of a child’s uninterrupted testimony to one hour, at which time the court shall allow the child to rest before continuing to testify.</p> <p> Iowa Rule of Criminal Procedure 2.13(2)(b) governs the use of child-victims’ depositions in lieu of trial testimony. This rule is included below.</p>	
<p>Sexual Assault Victims’ Right to No Cost Medical Examination and Treatment to Prevent Venereal Disease.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94.</p> <p>2. If a sexual abuse evidence collection kit is collected pursuant to section 709.10, payment for the health care provider’s fee and the medical or clinical laboratory fee, if any, shall not be made until the department of justice verifies that the status of the sexual abuse evidence collection kit has been updated by the health care provider utilizing the kit tracking system established pursuant to section 915.53.</p> <p> Iowa Code Ann. § 915.40 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Iowa Code Ann. § 915.41.</p>

<p>Sexual Assault Victims’ Rights Regarding HIV-Related Tests of Defendants: to Petition the Court for Orders Requiring Convicted Offender to Submit to an HIV-Related Test or for Search Warrant to Require Such Submission, Subject to Certain Requirements; to Retain Private Counsel or Be Represented by County Attorney Regarding Petitions and Proceedings; to Be Heard at Hearing Regarding Petition.</p> <p>1. Unless a petitioner chooses to be represented by private counsel, the county attorney shall represent the victim’s interest in all proceedings under this subchapter.</p> <p>2. If a person is convicted of sexual assault or adjudicated delinquent for an act of sexual assault, the county attorney, if requested by the petitioner, shall petition the court for an order requiring the convicted offender to submit to an HIV-related test, provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> a. The sexual assault for which the offender was convicted or adjudicated delinquent included sufficient contact between the victim and the convicted offender to be deemed a significant exposure pursuant to section 915.40. b. The authorized representative of the petitioner, the county attorney, or the court sought to obtain written informed consent from the convicted offender to the testing. c. Written informed consent was not provided by the convicted offender. <p>3. If a person is an alleged offender, the county attorney, if requested by the victim, shall make application to the court for the issuance of a search warrant, in accordance with chapter 808, for the purpose of requiring the alleged offender to submit to an HIV-related test, if all of the following conditions are met:</p> <ul style="list-style-type: none"> a. The application states that the victim believes that the sexual assault for which the alleged offender is charged included sufficient contact between the victim and the alleged offender to be deemed a significant exposure pursuant to section 915.40 and states the factual basis for the belief that a significant exposure exists. b. The authorized representative of the victim, the county attorney, or the court sought to obtain written informed consent to the testing from the alleged offender. 	<p>Iowa Code Ann. § 915.42.</p>
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- c. Written informed consent was not provided by the alleged offender.

- 4. Upon receipt of the petition or application filed under subsection 2 or 3, the court shall:
 - a. Prior to the scheduling of a hearing, refer the victim for counseling by a victim counselor or a person requested by the victim to provide counseling regarding the nature, reliability, and significance of the HIV-related test and of the serologic status of the convicted or alleged offender.
 - b. Schedule a hearing to be held as soon as is practicable.
 - c. Cause written notice to be served on the convicted or alleged offender who is the subject of the proceeding, in accordance with the rules of civil procedure relating to the service of original notice, or if the convicted or alleged offender is represented by legal counsel, provide written notice to the convicted or alleged offender and the convicted or alleged offender's legal counsel.
 - d. Provide for the appointment of legal counsel for a convicted or alleged offender if the convicted or alleged offender desires but is financially unable to employ counsel.
 - e. Furnish legal counsel with copies of the petition or application, written informed consent, if obtained, and copies of all other documents related to the petition or application, including, but not limited to, the charges and orders.

- 5. a. A hearing under this section shall be conducted in an informal manner consistent with orderly procedure and in accordance with the Iowa rules of evidence. The hearing shall be limited in scope to the review of questions of fact only as to the issue of whether the sexual assault for which the offender was convicted or adjudicated delinquent or for which the alleged offender was charged provided sufficient contact between the victim and the convicted or alleged offender to be deemed a significant exposure, and to questions of law.
 - b. In determining whether the contact should be deemed a significant exposure for a convicted offender, the court shall base the determination on the testimony presented during the proceedings on the sexual assault charge, the minutes of the testimony or other evidence included in the court record, or if a plea of guilty was entered, based upon the complaint or upon testimony provided during the hearing. In determining whether the contact should be deemed a significant exposure for an alleged offender, the court shall base the determination

on the application and the factual basis provided in the application for the belief of the applicant that a significant exposure exists.

c. The victim may testify at the hearing but shall not be compelled to testify. The court shall not consider the refusal of a victim to testify at the hearing as material to the court's decision regarding issuance of an order or search warrant requiring testing.

d. The hearing shall be in camera unless the convicted or alleged offender and the petitioner or victim agree to a hearing in open court and the court approves. The report of the hearing proceedings shall be sealed and no report of the proceedings shall be released to the public, except with the permission of all parties and the approval of the court.

e. Stenographic notes or electronic or mechanical recordings shall be taken of all court hearings unless waived by the parties.

6. Following the hearing, the court shall require a convicted or alleged offender to undergo an HIV-related test only if the petitioner or victim proves all of the following by a preponderance of the evidence:

- a. The sexual assault constituted a significant exposure.
- b. An authorized representative of the petitioner or victim, the county attorney, or the court sought to obtain written informed consent from the convicted or alleged offender.
- c. Written informed consent was not provided by the convicted or alleged offender.

7. A convicted offender who is required to undergo an HIV-related test may appeal to the court for review of questions of law only, but may appeal questions of fact if the findings of fact are clearly erroneous.

 Iowa Code Ann. § 915.40 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.

 <p>A promising practice when notifying victims of their right to retain counsel is to explain the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights, as well as the limited role of a county attorney in this context.</p>	
<p>Sexual Assault Victims’ Rights to Results of Offenders’ HIV-Related Test and to Counseling and Referrals for Other Support Services.</p> <ol style="list-style-type: none"> 1. The physician or other practitioner who orders the test of a convicted or alleged offender for HIV under this subchapter shall disclose the results of the test to the convicted or alleged offender, and to the victim counselor or a person requested by the victim to provide counseling regarding the HIV-related test and results who shall disclose the results to the petitioner. 2. All testing under this chapter shall be accompanied by counseling as required under section 141A.7. 3. Subsequent testing arising out of the same incident of exposure shall be conducted in accordance with the procedural and confidentiality requirements of this subchapter. 4. Results of a test performed under this subchapter, except as provided in subsection 13, shall be disclosed only to the physician or other practitioner who orders the test of the convicted or alleged offender; the convicted or alleged offender; the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results; the physician of the victim if requested by the victim; the parent, guardian, or custodian of the victim, if the victim is a minor; and the county attorney who filed the petition for HIV-related testing under this chapter. Results of a test performed under this subchapter shall not be disclosed to any other person without the written informed consent of the convicted or alleged offender. A person to whom the results of a test have been disclosed under this subchapter is subject to the confidentiality provisions of section 141A.9, 	<p>Iowa Code Ann. § 915.43.</p>

and shall not disclose the results to another person except as authorized by section 141A.9, subsection 2, paragraph “i”.

5. If testing is ordered under this subchapter, the court shall also order periodic testing of the convicted offender during the period of incarceration, probation, or parole or of the alleged offender during a period of six months following the initial test if the physician or other practitioner who ordered the initial test of the convicted or alleged offender certifies that, based upon prevailing scientific opinion regarding the maximum period during which the results of an HIV-related test may be negative for a person after being HIV-infected, additional testing is necessary to determine whether the convicted or alleged offender was HIV-infected at the time the sexual assault or alleged sexual assault was perpetrated. The results of the test conducted pursuant to this subsection shall be released only to the physician or other practitioner who orders the test of the convicted or alleged offender, the convicted or alleged offender, the victim counselor or person requested by the victim to provide the counseling regarding the HIV-related test and results who shall disclose the results to the petitioner, the physician of the victim, if requested by the victim, and the county attorney who filed the petition for HIV-related testing under section 915.42.

6. The court shall not consider the disclosure of an alleged offender’s serostatus to an alleged victim, prior to conviction, as a basis for a reduced plea or reduced sentence.

7. The fact that an HIV-related test was performed under this subchapter and the results of the test shall not be included in the convicted offender’s medical or criminal record unless otherwise included in department of corrections records.

8. The fact that an HIV-related test was performed under this subchapter and the results of the test shall not be used as a basis for further prosecution of a convicted offender in relation to the incident which is the subject of the testing, to enhance punishments, or to influence sentencing.

9. If the serologic status of a convicted offender, which is conveyed to the victim, is based upon an HIV-related test other than a test which is authorized as a result of the procedures

established in this subchapter, legal protections which attach to such testing shall be the same as those which attach to an initial test under this subchapter, and the rights to a predisclosure hearing and to appeal provided under section 915.42 shall apply.

10. HIV-related testing required under this subchapter shall be conducted by the state hygienic laboratory.

11. Notwithstanding the provisions of this subchapter requiring initial testing, if a petition is filed with the court under section 915.42 requesting an order for testing and the order is granted, and if a test has previously been performed on the convicted or alleged offender while under the control of the department of corrections, the test results shall be provided in lieu of the performance of an initial test of the convicted or alleged offender, in accordance with this subchapter.

12. In addition to the counseling received by a victim, referral to appropriate health care and support services shall be provided.

13. In addition to persons to whom disclosure of the results of a convicted or alleged offender's HIV-related test results is authorized under this subchapter, the victim may also disclose the results to the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault, or members of the victim's family within the third degree of consanguinity.

14. A person to whom disclosure of a convicted or alleged offender's HIV-related test results is authorized under this subchapter shall not disclose the results to any other person for whom disclosure is not authorized under this subchapter. A person who intentionally or recklessly makes an unauthorized disclosure in violation of this subsection is subject to a civil penalty of one thousand dollars. The attorney general or the attorney general's designee may maintain a civil action to enforce this subchapter. Proceedings maintained under this subsection shall provide for the anonymity of the test subject and all documentation shall be maintained in a confidential manner.

<p> Iowa Code Ann. § 915.40 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sexual Assault Victims’ Right to Not Be Required to Submit to a Polygraph or Similar Examination as a Precondition to a Criminal Investigation; Obligation of Agency that Declines to Pursue Investigation of Sexual Assault Where Victim Choose to Not Submit to Polygraph to Inform Victim of Reasons Why Investigation Not Pursued.</p> <p>1. A criminal or juvenile justice agency shall not require a person claiming to be a victim of sexual assault or claiming to be a witness regarding the sexual assault of another person to submit to a polygraph or similar examination as a precondition to the agency conducting an investigation into the matter.</p> <p>2. An agency wishing to perform a polygraph examination of a person claiming to be a victim or witness of sexual assault shall inform the person of the following:</p> <ul style="list-style-type: none"> a. That taking the polygraph examination is voluntary. b. That the results of the examination are not admissible in court. c. That the person’s decision to submit or refuse a polygraph examination will not be the sole basis for a decision by the agency not to investigate the matter. <p>3. An agency which declines to investigate an alleged case of sexual assault following a decision by a person claiming to be a victim not to submit to a polygraph examination shall provide to that person, in writing, the reasons why the agency did not pursue the investigation at the request of the person.</p> <p> Iowa Code Ann. § 915.40 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Iowa Code Ann. § 915.44.</p>

 A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph examination or other truth-telling examinations or devices as a part or a condition of proceeding with the investigation.	
<p>Sexual Assault Victims’ Right to Notice of Discharge of Sexually Violent Persons Committed to the Department of Human Services; Director of Human Services’ Obligation to Provide Notice.</p> <p>1. In addition to any other information required to be released under chapter 229A, prior to the discharge of a person committed under chapter 229A, the director of human services shall give written notice of the person’s discharge to any living victim of the person’s activities or crime whose address is known to the director or, if the victim is deceased, to the victim’s family, if the family’s address is known. Failure to notify shall not be a reason for postponement of discharge. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee’s employment as a result of the failure to notify pursuant to this action.</p> <p>2. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.</p> <p> Iowa Code Ann. § 915.40 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.10A establishes Iowa’s automated victim notification system. This statutory provision is included above.</p> <p> Chapter 229A of Iowa’s code governs the commitment of sexually violent predators.</p>	<p>Iowa Code Ann. § 915.45.</p>

 A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must register with the state’s automated notification system to receive notification of certain events within the criminal justice process.	
<p>Rights of Victims of Domestic and Sexual Abuse: to File Petitions for Relief; to Have Law Enforcement Remain on the Scene, Assist the Victim and Provide the Victim with Information Regarding Their Rights; to a No-Contact Order.</p> <p>In addition to other victim rights provided in this chapter, victims of domestic abuse and sexual abuse shall have the following rights:</p> <ol style="list-style-type: none"> 1. The right to file a pro se petition for relief from domestic abuse and sexual abuse in the district court, pursuant to sections 236.3 through 236.10 and sections 236A.3 through 236A.11. 2. The right, pursuant to sections 236.12 and 236A.13, for law enforcement to remain on the scene, to assist the victim in leaving the scene, to assist the victim in obtaining transportation to medical care, and to provide the person with a written statement of victim rights and information about domestic abuse and sexual abuse shelters, support services, and crisis lines. 3. The right to receive a no-contact order upon a finding of probable cause, pursuant to section 664A.3. <p> Iowa Code Ann. §§ 236.3 through 236.10 govern victims’ petitions for relief from domestic abuse. Iowa Code Ann. §§ 236A.3 through 236A.11 govern victims’ petitions for relief from sexual abuse. Some of these provisions are included below.</p>	<p>Iowa Code Ann. § 915.50.</p>

<p> Iowa Code Ann. § 236.12 governs law enforcement’s obligations to employ certain means of preventing further abuse of victims of domestic abuse. Iowa Code Ann. § 236A.13 governs law enforcement’s obligations to employ certain means of preventing further abuse of victims of sexual assault. These provisions are included below.</p> <p> Iowa Code Ann. § 664A.3 governs entry of no-contact orders and enforcement of protective orders. This provision is included below.</p>	
<p>Rights of Victims of Elder Abuse to File Pro Se Petitions for Relief from Abuse and to Receive a No-Contact Order.</p> <p>In addition to other victim rights provided in this chapter, victims of elder abuse shall have the following rights:</p> <ol style="list-style-type: none"> 1. The right to file a pro se petition for relief from elder abuse in the district court, pursuant to chapter 235F. 2. The right to receive a no-contact order upon a finding of probable cause, pursuant to section 664A.3. <p> Iowa Code Ann. §§ 235F.1 through 235F.8 govern pro se petitions for relief from elder abuse. Some of these provisions are included below.</p> <p> Iowa Code Ann. § 664A.3 governs entry of no-contact orders and enforcement of protective orders. This provision is included below.</p>	<p>Iowa Code Ann. § 915.50A.</p>

<p>Human Trafficking Victims’ Right to Have the Same Rights as Other Victims of Crime Regardless of Their Immigration Status.</p> <p>Victims of human trafficking, as defined in section 710A.1, shall have the same rights as other victims of a crime, including the right to receive victim compensation pursuant to section 915.84, regardless of their immigration status.</p> <p> Iowa Code Ann. § 710A.1(13) defines a victim of human trafficking as “a person subjected to human trafficking.”</p> <p> Iowa Code Ann. § 915.84 governs applications for crime victim compensation.</p>	<p>Iowa Code Ann. § 915.51.</p>
<p>Establishment of Protective Order Victim Notification System; Law Enforcement’s Obligations Regarding Service of Protective Orders and Notice to Victims; Victims’ Obligation to File Written Request to Register with Notification System.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. An automated protective order victim notification system is established within the crime victim assistance division of the department of justice to assist public officials in informing registered victims of domestic abuse and sexual abuse pursuant to chapters 236 and 236A, the families of victims, and other interested persons of the date and time of service of a protective order upon respondents who are the subjects of protective orders and of the expiration dates of the protective orders. The system shall also have the capability to notify victims of the expiration of the protective orders thirty days prior to their expiration dates.</p> <p>2. The automated protective order victim notification system shall disseminate the information to registered users through telephonic, electronic, or other means of access.</p>	<p>Iowa Code Ann. § 915.52.</p>

3. A law enforcement agency or any other public or private agency responsible for serving civil protective orders shall enter the date and time of the service of a protective order into the Iowa court information system or other secure electronic database intended only for law enforcement use within twenty-four hours of service of the protective order upon a respondent in a domestic abuse or sexual abuse case pursuant to chapter 236 or 236A. A law enforcement agency or any other public or private agency responsible for serving civil protective orders which has made a good-faith effort to serve a protective order upon a respondent and which is unable to comply with the requirements of this subsection shall notify the appropriate clerk of the district court, who shall, if possible, enter such information into the automated protective order victim notification system.

4. The standard forms prescribed by the department of justice to be used by victims of domestic abuse and sexual abuse pursuant to chapters 236 and 236A shall include a space to allow victims to register for service of process and expiration notifications pursuant to this section.

4A. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the kit tracking system established pursuant to section 915.53 to the extent information is available for dissemination through the kit tracking system. This subsection shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.

5. For the purposes of this section, “registered” means having provided the county attorney with the victim’s written request for registration and current mailing address and telephone number. “Registered” also means having provided the county attorney notice in writing that the victim has filed a request for registration with the automated protective order victim notification system established in this section.



Iowa Code Ann. §§ 236.3 through 236.10 govern victims’ petitions for relief from domestic abuse. Iowa Code Ann. §§ 236A.3 through 236A.11 govern victims’ petitions for relief from sexual abuse. Some of these provisions are included below.

<p> Iowa Code Ann. § 915.53 governs Iowa’s automatic tracking system for sexual abuse evidence collection kits. This provision is included below.</p> <p> A promising practice is to have a policy and procedure to notify victims, at the first opportunity, that victims must “request” in writing to register with the automated protective order notification system.</p>	
<p>Sexual Abuse Evidence Collection Kits Automated Tracking System.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>2. The department of justice shall establish an automated sexual abuse evidence collection kit tracking system within the crime victim assistance division of the department of justice to assist public officials in tracking and reporting the location and status of sexual abuse evidence collection kits.</p> <p>3. The kit tracking system shall have the ability to do all of the following:</p> <ul style="list-style-type: none"> a. Track the location of a kit, including the initial dissemination of a kit to a health care provider by the manufacturer or distributor of the kit, the collection of evidence collected by a health care provider from a victim’s forensic medical examination, the receipt and storage of the kit by a law enforcement agency, the receipt and analysis of the kit by a laboratory, the storage of the kit after analysis, and the disposal of the kit. b. Allow a health care provider performing a forensic medical examination, a law enforcement agency, a county attorney, a laboratory, and other entities with custody of a sexual abuse evidence collection kit to update and track the status and location of a kit. c. Allow a victim of sexual abuse to anonymously track the status and location of a kit or to receive notifications regarding the status of a kit. d. Utilize an internet platform allowing for continuous access to the kit tracking system. 	<p>Iowa Code Ann. § 915.53(2)–(8).</p>

<p>4. A law enforcement agency shall participate in the kit tracking system according to the implementation schedule established by the department of justice.</p> <p>5. A health care provider performing a forensic medical examination shall participate in the kit tracking system according to the implementation schedule established by the department of justice. A health care provider shall inform the victim of the number assigned to the kit.</p> <p>6. The kit tracking system shall not contain any personally identifying information about a victim of a reported sexual abuse.</p> <p>7. An office, agency, or department may satisfy a notification obligation to a victim as required by section 915.52 through participation in the kit tracking system to the extent information is available for dissemination through the kit tracking system. This subsection shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.</p> <p>8. Information contained in the kit tracking system shall not be subject to discovery in a criminal case resulting from a reported sexual abuse for which a kit has been collected and information about the kit is maintained in the kit tracking system.</p> <p> Iowa Code Ann. § 915.53(1) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.52 governs Iowa’s automated protective order system for victims of domestic and sexual abuse. This provision is included above.</p>	
<p>Victims’ Right to Restitution: Scope of Right and Procedures Related to Right.</p> <p>1. Victims, as defined in section 910.1, have the right to recover pecuniary damages, as defined in section 910.1.</p>	<p>Iowa Code Ann. § 915.100.</p>

2. The right to restitution includes the following:
- a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to victims of the offender's criminal activities.
 - b. A judge may require a juvenile who has been found to have committed a delinquent act to compensate the victim of that act for losses due to the act.
 - c. In cases where the act committed by an offender causes the death of another person, in addition to the amount ordered for payment of the victim's pecuniary damages, the court shall also order the offender to pay at least one hundred fifty thousand dollars in restitution to the victim's estate or heirs at law, pursuant to the provisions of section 910.3B.
 - d. The clerk of court shall forward a copy of the plan of payment or the modified plan of payment to the victim or victims.
 - e. Victims shall be paid in full pursuant to an order of restitution, before fines, penalties, surcharges, crime victim compensation program reimbursement, public agency reimbursement, court costs, correctional fees, court-appointed attorney fees, expenses of a public defender, or contributions to local anticrime organizations are paid.
 - f. A judgment of restitution may be enforced by a victim entitled under the order to receive restitution, or by a deceased victim's estate, in the same manner as a civil judgment.
 - g. A victim in a criminal proceeding who is entitled to restitution under a court order may file a restitution lien.
 - h. If a convicted felon or the representative of a convicted felon receives or is owed any profit which is realized as a result of the commission of the crime, and the attorney general brings an action to recover such profits, the victim may be entitled to funds held in escrow, pursuant to the provisions of section 910.15.
 - i. The right to victim restitution for the pecuniary damages incurred by a victim as the result of a crime does not limit or impair the right of the victim to sue and recover damages from the offender in a civil action.



Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> For additional information regarding restitution in Iowa, <i>see</i> Iowa Code Ann. §§ 910.2 through 910.15. Some of these provisions are included below.</p> <p> Iowa Code Ann. § 910.15 governs the distribution of moneys received as the result of the commission of a crime. This provision is included below.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Military Victim Advocate-Victim Privilege.</p> <p>1. A military victim advocate shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the advocate, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of an advocate be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 6. However, under no circumstances shall the identity of the advocate be disclosed in any civil or criminal proceeding.</p> <p>2. If a victim is deceased or has been declared to be incompetent, the privilege specified in subsection 1 may be waived by the guardian of the victim or by the personal representative of the victim’s estate.</p> <p>3. A minor who is a member of the national guard or a branch of the armed forces of the United States may waive the privilege under subsection 1.</p>	<p>Iowa Code Ann. § 916.2.</p>

4. A privilege under this section does not apply in matters of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim at the time of the injury or the advocate's first contact with the victim after the injury, or if the advocate has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.
5. The failure of an advocate to testify due to this section shall not give rise to an inference unfavorable to the cause of the state or the cause of a defendant.
6. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:
- a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding.
 - b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the advocacy relationship, and the treatment services.
 - c. The information cannot be obtained by reasonable means from any other source.
7. In ruling on a motion under subsection 6, the court, if the motion was filed in a criminal proceeding to be tried to the court, or a different judge, shall adhere to the following procedure:
- a. The court may require the advocate from whom disclosure is sought or the victim claiming the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the victim and any other persons the victim is willing to have present.
 - b. If the court determines that the information is privileged and not subject to compelled disclosure, the information shall not be disclosed by any person without the consent of the victim.
 - c. If the court determines that certain information may be subject to disclosure, as provided in subsection 6, the court shall so inform the party seeking the information and shall order a subsequent hearing out of the presence of the jury, if applicable, at which time the parties shall be allowed to examine the advocate regarding the information that the court has determined may be subject to disclosure. The court may accept other evidence at the hearing.

<p>d. At the conclusion of a hearing under paragraph “c”, the court shall determine which information, if any, shall be disclosed and may enter an order describing the evidence which may be introduced by the moving party and prescribing the line of questioning which may be permitted. The moving party may then offer evidence pursuant to the court order. A victim advocate is not subject to exclusion under rule of evidence 5.615.</p> <p>8. This section does not relate to the admission of evidence of the victim’s past sexual behavior which is strictly subject to rule of evidence 5.412.</p> <p> Iowa Code Ann. § 916.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Rule of Evidence 5.615 governs witness exclusion in criminal cases. Iowa Rule of Evidence 5.412 governs the admissibility of a sexual abuse victim’s sexual history in criminal cases.</p>	
<p>Address Confidentiality Program: Purpose.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in this chapter. In addition,</p>	<p>Iowa Code Ann. § 9E.1.</p>

<p>the purpose of this chapter is to prevent such victims from being physically located through a public records search.</p> <p> Iowa Code Ann. § 9E.2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information on Iowa’s Address Confidentiality Program, <i>see</i> Iowa Code Ann. § 9.E3 (application; changes in information; liability); <i>id.</i> at § 9E.4 (certification cancellation); <i>id.</i> at § 9E.5 (use of designated address); <i>id.</i> at § 9E.6 (voting by program participant); <i>id.</i> at § 9E.7 (confidentiality of information; <i>id.</i> at § 9E.8 (disclosure of program participant address in legal proceedings; protective order). Some of these provisions are included below.</p>	
<p>Address Confidentiality Program: Application; Changes in Information; Liability.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. Application. The secretary shall certify an eligible person as a program participant if the secretary receives an application containing all of the following information:</p> <p>a. The full legal name of the eligible person.</p> <p>b. A statement by the applicant that the applicant has good reason to believe the following:</p> <p>(1) Either of the following:</p> <p>(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.</p> <p>(b) The eligible person fears for the person’s safety, the safety of another person who resides in the same household as the eligible person, or the safety of persons on whose behalf the application is made.</p> <p>(2) The eligible person is not applying for certification as a program participant in order to avoid prosecution.</p> <p>c. A designation of the secretary as the agent for service of process and for the purpose of</p>	<p>Iowa Code Ann. § 9E.3.</p>

<p>receipt of mail.</p> <p>d. The telephone number or telephone numbers where the secretary can contact the applicant or eligible person.</p> <p>e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.</p> <p>f. If mail cannot be delivered to the residential address of the eligible person, the address to which mail can be sent to the eligible person.</p> <p>g. A statement whether the eligible person would like information on becoming an absentee ballot recipient pursuant to section 9E.6.</p> <p>h. A statement from the eligible person that gives the secretary consent to confirm the eligible person's participation in the program to a third party.</p> <p>i. The signature of the applicant indicating the applicant's authority to act on behalf of the eligible person, if appropriate.</p> <p>j. The date the application was signed.</p> <p>k. Any other information as required by the secretary pursuant to rule.</p> <p>2. Filing. Applications shall be filed with the secretary.</p> <p>3. Certification. Upon the filing of a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.</p> <p>4. Changes in information. A program participant or an applicant shall inform the secretary of any changes in the program participant's information submitted on the application.</p> <p>5. Designated address. The secretary shall assign a designated address to which all mail for a program participant shall be sent.</p> <p>6. Attaining age of majority. An individual who was a minor when the person was certified</p>	
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<p>as a program participant is responsible for changes in information and renewal after the individual reaches the age of eighteen.</p> <p>7. Liability. A governmental body, as defined in section 21.2, or an entity created pursuant to chapter 28E, shall not be liable for acts or omissions relating to this chapter.</p> <p> Iowa Code Ann. § 9E.2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information on Iowa’s Address Confidentiality Program, <i>see</i> Iowa Code Ann. § 9.E1 (purpose); <i>id.</i> at § 9E.4 (certification cancellation); <i>id.</i> at § 9E.5 (use of designated address); <i>id.</i> at § 9E.6 (voting by program participant); <i>id.</i> at § 9E.7 (confidentiality of information; <i>id.</i> at § 9E.8 (disclosure of program participant address in legal proceedings; protective order). Some of these provisions are included above and below.</p>	
<p>Address Confidentiality Program: Use of Designated Address.</p> <p>1. When a program participant presents the program participant’s designated address to any person, that designated address shall be accepted as the address of the program participant. The person shall not require the program participant to submit any other address that could be used to physically locate the program participant either as a substitute address or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant’s physical location.</p> <p>2. A program participant may use the designated address as the program participant’s work address.</p>	<p>Iowa Code Ann. § 9E.5.</p>

3. The secretary shall forward all mail sent to the designated address to the program participant.
4. The office of the secretary of state shall act as agent of the program participant for purposes of service of process. The secretary shall forward any service of process received by the office of the secretary of state by certified mail, return receipt requested to the designated address of the program participant within three days of receipt in the office of the secretary of state. A program participant shall either accept or reject service of process and the secretary shall notify the person initiating the service of process, unless such person is not ascertainable from the service of process documents, of the date of the program participant's acceptance or rejection of the service of process. The date of service of the service of process is the date of the participant's acceptance or rejection.
5. If a program participant has notified a person in writing, on a form prescribed by the secretary, that the individual is a program participant and of the requirements of this section, the person shall not knowingly disclose the program participant's address, unless any of the following:
- a. The person to whom the address is disclosed also lives, works, or goes to school at the address disclosed.
 - b. The program participant has provided written consent to disclosure of the program participant's name and address for the purpose for which the disclosure will be made.
6. This section does not apply to documents or records relating to real property. The secretary shall offer a program participant information relating to the purchase of real property utilizing limited liability companies, trusts, or other legal entities in order to protect the participant's identity for purposes of this program when purchasing real property.
-  Iowa Code Ann. § 9E.2 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> For additional information on Iowa’s Address Confidentiality Program, <i>see</i> Iowa Code Ann. § 9.E1 (purpose); <i>id.</i> at § 9.E3 (application; changes in information; liability); <i>id.</i> at § 9E.4 (certification cancellation); <i>id.</i> at § 9E.5 (use of designated address); <i>id.</i> at § 9E.6 (voting by program participant); <i>id.</i> at § 9E.7 (confidentiality of information; <i>id.</i> at § 9E.8 (disclosure of program participant address in legal proceedings; protective order). Some of these provisions are included above and below.</p>	
<p>Address Confidentiality Program: Confidentiality of Information.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>1. a. Except as otherwise provided in subsection 2 and in section 9E.8, information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.</p> <p>b. A program participant’s name and address maintained by a local governmental body that is part of an ongoing investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant is confidential information.</p> <p>2. Upon request from the department of public safety, the secretary may share confidential information with the department of public safety. Such confidential information received by the department of public safety may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation, a criminal complaint, or an ongoing investigation.</p> <p>3. This section shall not be construed to prohibit the dissemination of information relating to the program to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, or to any other person if necessary to protect a person or property from a threat of imminent serious harm.</p>	<p>Iowa Code Ann. § 9E.7.</p>

<p>4. If a program participant has notified the program participant’s landlord in writing that the individual is a program participant pursuant to this chapter, a local ordinance or the landlord shall not allow the display of the program participant’s name at an address otherwise protected under this chapter.</p> <p>4A. Upon request by a program participant, the assessor or the assessor’s staff shall redact the requestor’s name contained in electronic documents that are displayed for public access through an internet site. The assessor shall implement and maintain a process to facilitate these requests. A fee shall not be charged for the administration of this paragraph.</p> <p>5. This section shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant’s landlord</p> <p> Iowa Code Ann. § 9E.2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information on Iowa’s Address Confidentiality Program, <i>see</i> Iowa Code Ann. § 9E.1 (purpose); <i>id.</i> at § 9.E3 (application; changes in information; liability); <i>id.</i> at § 9E.4 (certification cancellation); <i>id.</i> at § 9E.5 (use of designated address); <i>id.</i> at § 9E.6 (voting by program participant); <i>id.</i> at § 9E.8 (disclosure of program participant address in legal proceedings; protective order). Some of these provisions are included above and below.</p>	
<p>Address Confidentiality Program: Disclosure of Program Participant’s Address in Legal Proceedings; Protective Orders.</p> <p>1. If a program participant’s address is protected under section 9E.5, a person shall not be compelled to disclose the program participant’s address during discovery or during a</p>	<p>Iowa Code Ann. § 9E.8.</p>

proceeding before a court or other tribunal unless the court or other tribunal finds all of the following:

- a. A reasonable belief exists that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed.
- b. No other practicable means is available of obtaining the information or evidence from any other source.

2. The court or other tribunal shall provide the program participant with notice that disclosure of the program participant's address is sought and provide the program participant an opportunity to present evidence at a hearing regarding the potential harm to the safety of the program participant if the program participant's address is disclosed. In determining whether to compel disclosure, the court or other tribunal shall consider whether the potential harm to the safety of the program participant is outweighed by the interest in disclosure relating to the investigation, prosecution, or litigation. In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if protecting the program participant's address would violate a defendant's constitutional right to confront a witness.

3. Disclosure of a program participant's address under this section shall be limited under the terms of the order by the court or other tribunal to ensure that the disclosure and dissemination of the address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

4. This section does not prevent the court or other tribunal from issuing a protective order to prevent disclosure of information other than the program participant's address that could reasonably lead to the discovery of the program participant's location.

5. This section shall apply to a participant in an out-of-state address confidentiality program substantially similar to the address confidentiality program established in this chapter.



Iowa Code Ann. § 9E.2 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> For additional information on Iowa’s Address Confidentiality Program, <i>see</i> Iowa Code Ann. § 9E.1 (purpose); <i>id.</i> at § 9.E3 (application; changes in information; liability); <i>id.</i> at § 9E.4 (certification cancellation); <i>id.</i> at § 9E.5 (use of designated address); <i>id.</i> at § 9E.6 (voting by program participant); <i>id.</i> at § 9E.7 (confidentiality of information). Some of these provisions are included above.</p>	
<p>Right of Victims of Elder Abuse to Petition for Protective Order: Procedure for Petition and Order.</p> <p>1. A vulnerable elder or a substitute petitioner may seek relief from elder abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state all of the following:</p> <ul style="list-style-type: none"> a. The name of the vulnerable elder and the name and address of the vulnerable elder’s attorney, if any. If the vulnerable elder is proceeding pro se, the petition shall state a mailing address for the vulnerable elder. b. The name of the substitute petitioner if the petition is being filed on behalf of a vulnerable elder, and the name and address of the attorney of the substitute petitioner. If the substitute petitioner is proceeding pro se, the petition shall state a mailing address for the substitute petitioner. c. The name and address, if known, of the defendant. d. The relationship of the vulnerable elder to the defendant. e. The nature of the alleged elder abuse. f. The name and age of any other individual whose welfare may be affected. g. The desired relief, including a request for temporary or emergency orders. <p>2. A temporary or emergency order may be based on a showing of a prima facie case of elder abuse. If the factual basis for the alleged elder abuse is contested, the court shall issue a protective order based upon a finding of elder abuse by a preponderance of the evidence.</p>	<p>Iowa Code Ann. § 235F.2.</p>

- 3. a. The filing fee and court costs for an order for protection and in a contempt action resulting from an order granted under this chapter or chapter 664A shall be waived for the plaintiff.
- b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff.
- c. When a permanent order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.
- d. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in the state, and any other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from elder abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

5. If a substitute petitioner files a petition under this section on behalf of a vulnerable elder, the vulnerable elder shall retain the right to all of the following:

- a. To contact and retain counsel.
- b. To have access to personal records.
- c. To file objections to the protective order.
- d. To request a hearing on the petition.
- e. To present evidence and cross-examine witnesses at the hearing.



Iowa Code Ann. § 235F.1 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."



Iowa Code Ann. § 915.50A(1) affords victims of elder abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

<p> Iowa Code Ann § 235F.7 governs the issuance of emergency protective orders.</p>	
<p>Right of Victims of Elder Abuse to Petition for Protective Order: Forms and Assistance.</p> <p>1. By July 1, 2015, the judicial branch shall prescribe standard forms to be used by vulnerable elders or substitute petitioners seeking protective orders by proceeding pro se in actions under this chapter. Beginning July 1, 2015, the standard forms prescribed by the judicial branch shall be the exclusive forms used by plaintiffs proceeding pro se under this chapter. The judicial branch shall distribute the forms to the clerks of the district courts.</p> <p>2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.</p> <p> Iowa Code Ann. § 235F.1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.50A(1) affords victims of elder abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.</p>	<p>Iowa Code Ann. § 235F.3.</p>
<p>Right of Victims of Elder Abuse to Petition for Protective Order: Courts’ Discretion to Appoint Guardian Ad Litem to Represent Victims of Elder Abuse in Protective Order Petitions.</p> <p>The court may on its own motion or on the motion of a party appoint a guardian ad litem for a vulnerable elder if justice requires. The vulnerable elder’s attorney shall not also serve as the guardian ad litem.</p>	<p>Iowa Code Ann. § 235F.4.</p>

<p> Iowa Code Ann. § 235F.1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.50A(1) affords victims of elder abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.</p> <p> A promising practice when notifying elder abuse victims of their right to be represented by a guardian ad litem is to explain the limitations on the guardian ad litem’s representation in this context.</p>	
<p>Right of Victims of Elder Abuse to Petition for Protective Order: Hearing Procedure and Court’s Discretion to Protect Victims from Traumatic Confrontation with Defendant.</p> <ol style="list-style-type: none"> 1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of elder abuse by a preponderance of the evidence. 2. The court may enter any temporary order it deems necessary to protect the vulnerable elder from elder abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of elder abuse constitutes good cause for purposes of this subsection. 3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 that it deems necessary. 4. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers. 	<p>Iowa Code Ann. § 235F.5.</p>

<p>5. The court shall advise the defendant of a right to be represented by counsel of the defendant’s choosing and to have a continuance to secure counsel.</p> <p>6. At the hearing, the allegation of elder abuse may be proven as required under subsection 1 by but is not limited to the testimony from any of the following:</p> <ul style="list-style-type: none"> a. The vulnerable elder. b. The guardian, conservator, attorney in fact, or guardian ad litem of the vulnerable elder. c. Witnesses to the elder abuse. d. Adult protective services workers who have conducted an investigation. <p>7. The court shall exercise its discretion in a manner that protects the vulnerable elder from traumatic confrontation with the defendant.</p> <p>8. Hearings shall be recorded.</p> <p> Iowa Code Ann. § 235F.1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.50A(1) affords victims of elder abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.</p>	
<p>Rights of Victims of Domestic Abuse to Petition for Protective Order: Procedure for Petition and Order.</p> <p>1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:</p> <ul style="list-style-type: none"> a. Name of the plaintiff and the name and address of the plaintiff’s attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236.10. 	<p>Iowa Code Ann. § 236.3.</p>

b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236.10.

c. Name and address, if known, of the defendant.

d. Relationship of the plaintiff to the defendant.

e. Nature of the alleged domestic abuse.

f. Name and age of each child under eighteen whose welfare may be affected by the controversy.

g. Name or description of any pet or companion animal owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. However, this paragraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.

h. Desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order shall be based on a showing of a prima facie case of domestic abuse. If the factual basis for the alleged domestic abuse is contested, the court shall issue a protective order based upon a finding of domestic abuse by a preponderance of the evidence.

3. a. The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state, and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from domestic abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

 Iowa Code Ann. § 236.2 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

 Iowa Code Ann. § 915.50(1) affords victims of domestic abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

 For additional information regarding domestic abuse victims’ petitions for protective orders, *see* Iowa Code Ann. § 236.3a (plaintiffs proceeding pro se; provision of forms and assistance); *id.* at § 236.3b (assistance by the county attorney); *id.* at § 236.4 (hearings; temporary orders); *id.* at § 236.5 (disposition); *id.* at § 236.6 (emergency orders); *id.* at § 236.7 (applicable procedures); *id.* at § 236.9 (collection and maintenance of information on incidents of domestic abuse); *id.* at § 236.10 (victim-plaintiff’s address; confidentiality of records); *id.* at § 236.11 (duties of peace officers and magistrates regarding order enforcement); *id.* at § 236.12 (prevention of further abuse and notification of rights to victim-plaintiffs); *id.* at § 236.13 (prohibition against referral to mediation or other nonjudicial procedures); *id.* at § 236.15 (application for designation and funding as provider of services for victims of domestic abuse); *id.* at § 236.16 (department of justice’s powers and duties); *id.* at § 236.17 (domestic abuse training requirements); *id.* at § 236.18 (reference to certain criminal provisions); *id.* at § 236.19 (registration and enforcement of foreign protective orders); *id.* at § 236.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included below.

Right of Victims of Domestic Abuse to Petition for Protective Order: Assistance by County Attorney.

Iowa Code Ann. § 236.3B.

A county attorney’s office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the individual does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney’s office. The assistance provided may include, but is not limited to, assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.

 Iowa Code Ann. § 236.2 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

 Iowa Code Ann. § 915.50(1) affords victims of domestic abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

 For additional information regarding domestic abuse victims’ petitions for protective orders, *see* Iowa Code Ann. § 236.3 (procedure for petition and order); *id.* at § 236.3a (plaintiffs proceeding pro se; provision of forms and assistance); *id.* at § 236.4 (hearings; temporary orders); *id.* at § 236.5 (disposition); *id.* at § 236.6 (emergency orders); *id.* at § 236.7 (applicable procedures); *id.* at § 236.9 (collection and maintenance of information on incidents of domestic abuse); *id.* at § 236.10 (victim-plaintiff’s address; confidentiality of records); *id.* at § 236.11 (duties of peace officers and magistrates regarding order enforcement); *id.* at § 236.12 (prevention of further abuse and notification of rights to victim-plaintiffs); *id.* at § 236.13 (prohibition against referral to mediation or other nonjudicial procedures); *id.* at § 236.15 (application for designation and funding as provider of services for victims of domestic abuse); *id.* at § 236.16 (department of justice’s powers and duties);

<p><i>id.</i> at § 236.17 (domestic abuse training requirements); <i>id.</i> at § 236.18 (reference to certain criminal provisions); <i>id.</i> at § 236.19 (registration and enforcement of foreign protective orders); <i>id.</i> at § 236.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above and below.</p> <p> A promising practice when notifying victims of domestic abuse that a county attorney may assist them in this process is to explain to the victim the limited role the county attorney plays in this context.</p>	
<p>Right of Victims of Domestic Abuse to Petition for Protective Order: Confidentiality of Victim-Plaintiffs’ Address and Sealing of All or Part of Case File to Protect Victim Privacy.</p> <ol style="list-style-type: none"> 1. A person seeking relief from domestic abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service: <ol style="list-style-type: none"> a. The mailing address of a shelter or other agency. b. A public or private post office box. c. Any other mailing address, with the permission of the resident of that address. 2. A person shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid. 3. The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person. 4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records. 	<p>Iowa Code Ann. § 236.10.</p>

<p> Iowa Code Ann. § 236.2 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.50(1) affords victims of domestic abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.</p> <p> For additional information regarding domestic abuse victims’ petitions for protective orders, <i>see</i> Iowa Code Ann. § 236.3 (procedure for petition and order); <i>id.</i> at § 236.3a (plaintiffs proceeding pro se; provision of forms and assistance); <i>id.</i> at § 236.3b (assistance by the county attorney); <i>id.</i> at § 236.4 (hearings; temporary orders); <i>id.</i> at § 236.5 (disposition); <i>id.</i> at § 236.6 (emergency orders); <i>id.</i> at § 236.7 (applicable procedures); <i>id.</i> at § 236.9 (collection and maintenance of information on incidents of domestic abuse); <i>id.</i> at § 236.11 (duties of peace officers and magistrates regarding order enforcement); <i>id.</i> at § 236a.12 (prevention of further abuse and notification of rights to victim-plaintiffs); <i>id.</i> at § 236.13 (prohibition against referral to mediation or other nonjudicial procedures); <i>id.</i> at § 236.15 (application for designation and funding as provider of services for victims of domestic abuse); <i>id.</i> at § 236.16 (department of justice’s powers and duties); <i>id.</i> at § 236.17 (domestic abuse training requirements); <i>id.</i> at § 236.18 (reference to certain criminal provisions); <i>id.</i> at § 236.19 (registration and enforcement of foreign protective orders); <i>id.</i> at § 236.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above and below.</p>	
<p>Right of Victims of Domestic Abuse to Petition for Protective Order: Peace Officer’s Obligation to Use All Reasonable Means to Prevent Further Abuse by Remaining on the Scene, Assisting Victims in Obtaining Medical Care, Providing Victims with Information and Arresting Offenders.</p> <p>1. If a peace officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:</p>	<p>Iowa Code Ann. § 236.12.</p>

- a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.
- b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.
- c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the person to read the document; and asking whether the person understands the rights:
 - [1] You have the right to ask the court for the following help on a temporary basis:
 - [a] Keeping your attacker away from you, your home and your place of work.
 - [b] The right to stay at your home without interference from your attacker.
 - [c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.
 - [d] Professional counseling for you, the children who are members of the household, and the defendant.
 - [2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.
 - [3] You have the right to file criminal charges for threats, assaults, or other related crimes.
 - [4] You have the right to seek restitution against your attacker for harm to yourself or your property.
 - [5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.
 - [6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

2. a. A peace officer may, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph “a”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.
- b. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph “b”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which resulted in the alleged victim’s suffering a bodily injury.
- c. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph “c”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury.
- d. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph “c”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed and that the alleged abuser used or displayed a dangerous weapon in connection with the assault.
- e. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph “d”, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.
- f. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 5, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed by knowingly impeding

the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury.

3. As described in subsection 2, paragraph “b”, “c”, “d”, “e”, or “f”, the peace officer shall arrest the person whom the peace officer believes to be the primary physical aggressor. The duty of the officer to arrest extends only to those persons involved who are believed to have committed an assault. Persons acting with justification, as defined in section 704.3, are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer’s identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.

4. A peace officer is not civilly or criminally liable for actions pursuant to this section taken in good faith.

 Iowa Code Ann. § 236.2 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

 Iowa Code Ann. § 915.50(1) affords victims of domestic abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

 For additional information regarding domestic abuse victims’ petitions for protective orders, *see* Iowa Code Ann. § 236.3 (procedure for petition and order); *id.* at § 236.3a (plaintiffs proceeding pro se; provision of forms and assistance); *id.* at § 236.3b (assistance by the county attorney); *id.* at § 236.4 (hearings; temporary orders); *id.* at § 236.5 (disposition); *id.* at § 236.6 (emergency orders); *id.* at § 236.7 (applicable procedures); *id.* at

<p>§ 236.9 (collection and maintenance of information on incidents of domestic abuse); <i>id.</i> at § 236.10 (victim-plaintiff’s address; confidentiality of records); <i>id.</i> at § 236.11 (duties of peace officers and magistrates regarding order enforcement); <i>id.</i> at § 236.13 (prohibition against referral to mediation or other nonjudicial procedures); <i>id.</i> at § 236.15 (application for designation and funding as provider of services for victims of domestic abuse); <i>id.</i> at § 236.16 (department of justice’s powers and duties); <i>id.</i> at § 236.17 (domestic abuse training requirements); <i>id.</i> at § 236.18 (reference to certain criminal provisions); <i>id.</i> at § 236.19 (registration and enforcement of foreign protective orders); <i>id.</i> at § 236.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above.</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Although this provision requires that such information be provided in English and Spanish, consideration should be given to providing written information in any other primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Right of Victims of Sexual Abuse to Petition for Protective Order: Procedure for Petition and Order.</p> <p>1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from sexual abuse by filing a verified petition in the district court. Venue shall lie where either the plaintiff or defendant resides. The petition shall state the following:</p> <ul style="list-style-type: none"> a. Name of the plaintiff and the name and address of the plaintiff’s attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236A.11. b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236A.11. c. Name and address, if known, of the defendant. d. Nature of the alleged sexual abuse. 	<p>Iowa Code Ann. § 236A.3.</p>

e. Name and age of each child under eighteen whose welfare may be affected by the controversy.

f. Desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order shall be based on a showing of a prima facie case of sexual abuse. If the factual basis for the alleged sexual abuse is contested, the court shall issue a protective order based upon a finding of sexual abuse by a preponderance of the evidence.

3. a. The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from sexual abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.



Iowa Code Ann. § 236a.2 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."



Iowa Code Ann. § 915.50(1) affords victims of sexual abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

<p> For additional information regarding sexual abuse victims’ petitions for protective orders, <i>see</i> Iowa Code Ann. § 236a.4 (plaintiffs proceeding pro se; provision of forms and assistance); <i>id.</i> at § 236a.5 (assistance by the county attorney); <i>id.</i> at § 236a.6 (hearings; temporary orders); <i>id.</i> at § 236a.7 (disposition); <i>id.</i> at § 236a.8 (emergency orders); <i>id.</i> at § 236a.9 (applicable procedures); <i>id.</i> at § 236a.10 (collection and maintenance of information on incidents of sexual abuse); <i>id.</i> at § 236a.11 (victim-plaintiff’s address; confidentiality of records); <i>id.</i> at § 236a.12 (duties of peace officers and magistrates regarding order enforcement); <i>id.</i> at § 236a.13 (prevention of further abuse; notification of rights); <i>id.</i> at § 236a.14 (prohibition against referral to mediation or other nonjudicial procedures); <i>id.</i> at § 236a.15 (application for designation and funding as provider of services for victims of sexual abuse); <i>id.</i> at § 236a.16 (department of justice’s powers and duties); <i>id.</i> at § 236a.17 (sexual abuse training requirements); <i>id.</i> at § 236a.18 (reference to certain criminal provisions); <i>id.</i> at § 236a.19 (registration and enforcement of foreign protective orders); <i>id.</i> at § 236a.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included below.</p>	
<p>Right of Victims of Sexual Abuse to Petition for Protective Order: Assistance by County Attorney.</p> <p>A county attorney’s office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the person or plaintiff does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney’s office. The assistance provided may include but is not limited to assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.</p>	<p>Iowa Code Ann. § 236A.5.</p>

 Iowa Code Ann. § 236a.2 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

 Iowa Code Ann. § 915.50(1) affords victims of sexual abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

 For additional information regarding sexual abuse victims’ petitions for protective orders, *see* Iowa Code Ann. § 236a.3 (procedure for petition and order); *id.* at § 236a.4 (plaintiffs proceeding pro se; provision of forms and assistance); *id.* at § 236a.6 (hearings; temporary orders); *id.* at § 236a.7 (disposition); *id.* at § 236a.8 (emergency orders); *id.* at § 236a.9 (applicable procedures); *id.* at § 236a.10 (collection and maintenance of information on incidents of sexual abuse); *id.* at § 236a.11 (victim-plaintiff’s address; confidentiality of records); *id.* at § 236a.12 (duties of peace officers and magistrates regarding order enforcement); *id.* at § 236a.13 (prevention of further abuse; notification of rights); *id.* at § 236a.14 (prohibition against referral to mediation or other nonjudicial procedures); *id.* at § 236a.15 (application for designation and funding as provider of services for victims of sexual abuse); *id.* at § 236a.16 (department of justice’s powers and duties); *id.* at § 236a.17 (sexual abuse training requirements); *id.* at § 236a.18 (reference to certain criminal provisions); *id.* at § 236a.19 (registration and enforcement of foreign protective orders); *id.* at § 236a.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above and below.

 A promising practice when notifying victims of sexual abuse that a county attorney may assist them in this process is to explain to the victim the limited role the county attorney plays in this context.

<p>Right of Victims of Sexual Abuse to Petition for Protective Order: Confidentiality of Victim-Plaintiffs' Address and Sealing of All or Part of Case File to Protect Victim Privacy.</p> <ol style="list-style-type: none">1. A plaintiff seeking relief from sexual abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:<ol style="list-style-type: none">a. The mailing address of a shelter or other agency.b. A public or private post office box.c. Any other mailing address, with the permission of the resident of that address.2. A plaintiff shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.3. The entire file or a portion of the file in a sexual abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records. <p> Iowa Code Ann. § 236a.2 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Iowa Code Ann. § 915.50(1) affords victims of sexual abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.</p>	<p>Iowa Code Ann. § 236A.11.</p>
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<p> For additional information regarding sexual abuse victims’ petitions for protective orders, <i>see</i> Iowa Code Ann. § 236a.3 (procedure for petition and order); <i>id.</i> at § 236a.4 (plaintiffs proceeding pro se; provision of forms and assistance); <i>id.</i> at § 236a.5 (assistance by the county attorney); <i>id.</i> at § 236a.6 (hearings; temporary orders); <i>id.</i> at § 236a.7 (disposition); <i>id.</i> at § 236a.8 (emergency orders); <i>id.</i> at § 236a.9 (applicable procedures); <i>id.</i> at § 236a.10 (collection and maintenance of information on incidents of sexual abuse); <i>id.</i> at § 236a.12 (duties of peace officers and magistrates regarding order enforcement); <i>id.</i> at § 236a.13 (prevention of further abuse; notification of rights); <i>id.</i> at § 236a.14 (prohibition against referral to mediation or other nonjudicial procedures); <i>id.</i> at § 236a.15 (application for designation and funding as provider of services for victims of sexual abuse); <i>id.</i> at § 236a.16 (department of justice’s powers and duties); <i>id.</i> at § 236a.17 (sexual abuse training requirements); <i>id.</i> at § 236a.18 (reference to certain criminal provisions); <i>id.</i> at § 236a.19 (registration and enforcement of foreign protective orders); <i>id.</i> at § 236a.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above and below.</p>	
<p>Right of Victims of Sexual Abuse to Petition for Protective Order: Peace Officer’s Obligation to Use All Reasonable Means to Prevent Further Abuse by Remaining on the Scene, Assisting Victims in Obtaining Medical Care, Providing Victims with Information.</p> <p>1. If a peace officer has reason to believe that sexual abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:</p> <ul style="list-style-type: none"> a. If requested, remaining on the scene as long as there is a danger to an abused person’s physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence. b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital. 	<p>Iowa Code Ann. § 236A.13.</p>

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the person to read the document; and asking whether the person understands the rights:

- [1] You have the right to ask the court for the following help on a temporary basis:
 - [a] Keeping your attacker away from you, your home, and your place of work.
 - [b] The right to stay at your home without interference from your attacker.
- [2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.
- [3] You have the right to file criminal complaints for threats, assaults, or other related crimes.
- [4] You have the right to seek restitution against your attacker for harm to yourself or your property.
- [5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.
- [6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected persons can leave or until safety is otherwise ensured.

2. A peace officer is not civilly or criminally liable for actions pursuant to this section taken reasonably and in good faith.

 Iowa Code Ann. § 236a.2 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."

 Iowa Code Ann. § 915.50(1) affords victims of sexual abuse the right to file pro se petitions for relief from elder abuse. This provision is included above.

 For additional information regarding sexual abuse victims' petitions for protective orders, *see* Iowa Code Ann. § 236a.3 (procedure for petition and order); *id.* at § 236a.4 (plaintiffs proceeding pro se; provision of forms and assistance); *id.* at § 236a.5 (assistance by the county attorney); *id.* at § 236a.6 (hearings; temporary orders); *id.* at § 236a.7 (disposition); *id.* at § 236a.8 (emergency orders); *id.* at § 236a.9 (applicable procedures); *id.* at § 236a.10 (collection and maintenance of information on incidents of sexual abuse); *id.* at § 236a.11 (victim-plaintiff's address; confidentiality of records); *id.* at § 236a.12 (duties of peace officers and magistrates regarding order enforcement); *id.* at § 236a.14 (prohibition against referral to mediation or other nonjudicial procedures); *id.* at § 236a.15 (application for designation and funding as provider of services for victims of sexual abuse); *id.* at § 236a.16 (department of justice's powers and duties); *id.* at § 236a.17 (sexual abuse training requirements); *id.* at § 236a.18 (reference to certain criminal provisions); *id.* at § 236a.19 (registration and enforcement of foreign protective orders); *id.* at § 236a.20 (prohibition on mutual protective orders; exceptions). Some of these provisions are included above.

 Iowa Code Ann. § 709.22, a provision in the state's criminal laws regarding sexual assault, places identical obligations on peace officers regarding the use of all reasonable means to prevent further violence. This provision is included below.

 A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Although this provision requires that such information be provided in English and Spanish, consideration should be given to providing written information in any other primary language of the victim, as well as in a form accessible to those with vision impairment.

<p>Victims' Housing-Related Right to Summon Law Enforcement or Other Emergency Assistance.</p> <p>1. a. A landlord shall not prohibit or limit a resident's or tenant's rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.</p> <p>b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident's or tenant's right to summon law enforcement assistance or other emergency assistance.</p> <p>c. Penalties prohibited by this subsection include all of the following:</p> <p>(1) The actual or threatened assessment of penalties, fines, or fees.</p> <p>(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.</p> <p>d. Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.</p> <p>e. This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.</p> <p>f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident's or tenant's exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.</p> <p>2. a. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.</p> <p>b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency</p>	<p>Iowa Code Ann. § 562A.27B.</p>
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<p>assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:</p> <p>(1) The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.</p> <p>(2) In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.</p> <p>c. Penalties prohibited by this subsection include all of the following:</p> <p>(1) The actual or threatened assessment of penalties, fines, or fees.</p> <p>(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.</p> <p>(3) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.</p> <p>d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.</p> <p>e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.</p> <p>3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:</p> <p>a. A civil penalty in an amount equal to one month's rent.</p> <p>b. Actual damages.</p> <p>c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.</p>	
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<p>d. Court costs. e. Injunctive relief. 4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following: a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice. b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate. c. Actual damages. d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section. e. Court costs.</p> <p>5. For purposes of this section, “resident” means a member of a tenant’s family and any other person occupying the dwelling unit with the consent of the tenant.</p> <p> Iowa Code Ann. § 562B.25B affords victim-tenants of manufactured communities or mobile home parks the same housing-related rights with respect to summoning law enforcement or other emergency assistance.</p>	
<p>Victims’ Rights Regarding Entry of a No-Contact Order Upon Finding of Probable Cause That Defendant’s Presence or Conduct Poses a Threat to a Victim’s Safety.</p> <p>1. When a person is taken into custody for contempt proceedings pursuant to section 236.11, taken into custody pursuant to section 236A.12, or arrested for any public offense referred to in section 664A.2, subsection 1, and the person is brought before a magistrate for initial appearance, the magistrate shall enter a no-contact order if the magistrate finds both of the following:</p>	<p>Iowa Code Ann. § 664A.3.</p>

- a. Probable cause exists to believe that any public offense referred to in section 664A.2, subsection 1, or a violation of a no-contact order, protective order, or consent agreement has occurred.
 - b. The presence of or contact with the defendant poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's family.
2. Notwithstanding chapters 804 and 805, a person taken into custody pursuant to section 236.11 or 236A.12 or arrested pursuant to section 236.12 may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure or section 236.11 or 236A.12, whichever is applicable.
3. A no-contact order issued pursuant to this section shall be issued in addition to any other conditions of release imposed by a magistrate pursuant to section 811.2. The no-contact order has force and effect until it is modified or terminated by subsequent court action in a contempt proceeding or criminal or juvenile court action and is reviewable in the manner prescribed in section 811.2. Upon final disposition of the criminal or juvenile court action, the court shall terminate or modify the no-contact order pursuant to section 664A.5.
4. A no-contact order requiring the defendant to have no contact with the alleged victim's children shall prevail over any existing order which may be in conflict with the no-contact order.
5. A no-contact order issued pursuant to this section shall restrict the defendant from having contact with the victim, persons residing with the victim, or the victim's immediate family.
6. A no-contact order issued pursuant to this section shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent no-contact order pursuant to section 664A.5.



Iowa Code Ann. § 915.50(3) provides victims of domestic and sexual abuse with the right to receive a no-contact order upon a finding of probable cause. Iowa Code Ann.

<p>§ 915.50A(2) provides victims of elder abuse with the same right. These provisions are included above.</p>	
<p>Sexual Abuse Victims’ Rights Regarding Evidence to Notice of Disposal of Evidence Kit, to Access Consent Form; to Notice of Rights, to Agree to Law Enforcement Interview and Forensic Medical Examination at Any Point, to Not Be Compelled to Participate in Criminal Proceedings; Law Enforcement’s Obligations.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <p>...</p> <p>2. The manufacturer or distributor of a kit shall enter information relating to new, unused kits into the kit tracking system within five business days upon receipt of a kit. The manufacturer or distributor of a kit shall provide a health care provider with a new, unused kit upon request and shall document dissemination of each kit to a health care provider in the kit tracking system within forty-eight hours of dissemination to the health care provider.</p> <p>3. A health care provider shall enter information relating to each new kit into the kit tracking system within forty-eight hours of receipt of the kit.</p> <p>4. When a reported victim of sexual abuse consents to undergo a forensic medical examination and to having the evidence from the examination preserved, the health care provider conducting the forensic medical examination shall utilize a kit. The health care provider conducting the forensic medical examination shall contact the law enforcement agency under whose jurisdiction the sexual abuse offense occurred within forty-eight hours after the evidence was collected from a victim to notify the law enforcement agency to collect and store the kit. The health care provider shall document which law enforcement agency the kit is transferred to in the kit tracking system within forty-eight hours of collection of the evidence.</p>	<p>Iowa Code Ann. § 709.10(2)–(15).</p>

5. The law enforcement agency collecting the evidence shall obtain the kit from a health care provider and properly store the kit to ensure the chain of custody is complete and sufficient. The law enforcement agency shall document receipt of the kit from the health care provider in the kit tracking system within seventy-two hours of obtaining the kit.
6. The law enforcement agency shall store the kit in a clean, dry location for a minimum of fifteen years, or in the case of a minor victim for a minimum of fifteen years after the minor reaches the age of majority, even if the reported victim of sexual abuse has not filed a criminal complaint.
7. Prior to the disposal of a kit by a law enforcement agency, the law enforcement agency shall notify the reported victim of the intended date of disposal of the kit, the reason for disposal of the kit, and the options that remain available for retention and analysis of the kit, if any. The law enforcement agency shall obtain written approval from the appropriate county attorney and retain that approval in the victim's case file prior to disposal. Any kit disposed of shall be documented by a law enforcement agency in the kit tracking system within forty-eight hours of disposal.
8. The law enforcement agency transferring a kit to a laboratory for analysis shall document the transfer of the kit in the kit tracking system within seventy-two hours of transferring the kit.
9. The laboratory shall document receipt of the kit in the kit tracking system within seventy-two hours of logging the kit into its evidence management system.
10. When an analysis of the evidence collected from a victim's forensic medical examination is complete, the laboratory shall enter the results of the analysis into the kit tracking system and return the kit to the appropriate law enforcement agency. The law enforcement agency shall document receipt of the kit within seventy-two hours of receipt and shall store the kit in accordance with this section.

11. a. A health care provider shall provide a victim of sexual abuse with a consent form created by the department of justice prior to a forensic medical examination. The consent form shall include information allowing the victim to document the victim's consent or refusal to the collection and storage of the evidence collected from the victim's forensic medical examination, to release such evidence to a laboratory for analysis, and to make a report to law enforcement. The consent form shall also include information that the victim is not required to participate in the criminal justice system; to participate in an interview with law enforcement; to undergo a forensic medical examination; or to allow an analysis of the evidence collected; that the victim may withdraw consent for the collection of the victim's evidence or an analysis of the evidence at any time; and that if the victim does not initially consent to make a report to a law enforcement agency or to allow an analysis of the evidence collected, the victim may choose to provide a report to a law enforcement agency or may consent to an analysis of the evidence at any time within the required kit retention period specified in subsection 6.
- b. The consent form shall provide notice to the victim of the victim's statutory rights pursuant to section 709.22.
- c. A copy of the victim's consent form shall be maintained by the health care provider in the victim's records and in the kit with the evidence collected.
- d. A copy of the consent form shall be provided to the victim.
- e. A copy of the consent form shall accompany the health care provider's billing statement for the health care provider's exam fee submitted to the crime victim assistance division of the department of justice. The health care provider shall submit a copy of the consent form to the crime victim assistance division of the department of justice even if there are no charges associated with the health care provider's examination.
12. The rights of a victim pursuant to chapter 915 attach when the victim consents to participate in an interview with law enforcement, to a forensic medical examination, and to allow an analysis of the evidence collected.
13. If a reported victim does not want the victim's name recorded on the kit, the kit shall be deemed an anonymous kit and a case number or the number assigned to the kit by the kit tracking system shall be used in place of the name of the reported victim and entered into

the kit tracking system by the health care provider within forty-eight hours of receipt of the kit. An anonymous kit shall not be submitted for analysis until a victim has provided law enforcement with a criminal report and has consented to an analysis of the evidence collected from the victim's forensic medical examination. A law enforcement agency in possession of an anonymous kit may dispose of the kit thirty days after the fifteen-year retention period required under subsection 6.

14. A victim who initially chooses not to participate in an interview with a law enforcement agency may, at any point during the time period provided in subsection 6, contact the law enforcement agency to agree to an interview with the law enforcement agency and to consent to an analysis of the evidence collected from the victim's forensic medical examination.

15. A victim who decides to participate in the investigation of a reported sexual abuse or in a forensic medical examination may choose to cease participation at any time and shall not be compelled to continue participating in the investigation or a forensic medical examination. If the analysis of the evidence collected from a victim's forensic medical examination indicates a connection with another reported sexual abuse offense, the victim shall not be compelled to participate in the criminal or civil proceedings of the related case.



Iowa Code Ann. § 709.10(1) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



Iowa Code Ann. § 709.22 requires peace officers to inform sexual assault victims of certain rights. This provision is included below.

<p>Sexual Assault Victims' Rights; Law Enforcement's Obligations to Use All Reasonable Means to Prevent Further Violence, Including Remaining on the Scene to Protect Victims' Safety, Assisting Victims in Obtaining Medical Treatment and Providing Victims' with Notification of Their Rights.</p> <p>1. If a peace officer has reason to believe that a sexual assault as defined in section 915.40 has occurred, the officer shall use all reasonable means to prevent further violence including but not limited to the following:</p> <ul style="list-style-type: none"> a. If requested, remaining on the scene of the alleged sexual assault as long as there is a danger to the victim's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit or residence when it is the scene of the alleged sexual assault, or if unable to remain on the scene, assisting the victim in leaving the scene. b. Assisting a victim in obtaining medical treatment necessitated by the sexual assault, including providing assistance to the victim in obtaining transportation to the emergency room of the nearest hospital. c. Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the victim to read the document; and asking whether the victim understands the rights: <ul style="list-style-type: none"> [1] You have the right to ask the court for help with any of the following on a temporary basis: <ul style="list-style-type: none"> [a] Keeping your attacker away from you, your home, and your place of work. [b] The right to stay at your home without interference from your attacker. [c] The right to seek a no-contact order under section 664A.3 or 915.22, if your attacker is arrested for sexual assault. [2] You have the right to register as a victim with the county attorney under section 915.12. [3] You have the right to file a complaint for threats, assaults, or other related crimes. [4] You have the right to seek restitution against your attacker for harm to you or your property. [5] You have the right to apply for victim compensation. 	<p>Iowa Code Ann. § 709.22.</p>
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<p>[6] You have the right to contact the county attorney or local law enforcement to determine the status of your case.</p> <p>[7] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.</p> <p>[8] You have the right to a sexual assault examination performed at state expense.</p> <p>[9] You have the right to request the presence of a victim counselor, as defined in section 915.20A, at any proceeding related to an assault including a medical examination.</p> <p>[10] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.</p> <p>2. A peace officer is not civilly or criminally liable for actions taken in good faith pursuant to this section.</p> <p> Iowa Code Ann. § 236A.13, a provision in the state’s civil laws regarding protective orders for victims of sexual assault, places identical obligations on peace officers regarding the use of all reasonable means to prevent further violence. This provision is included above.</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Although this provision requires that such information be provided in English and Spanish, consideration should be given to providing written information in any other primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Restitution: Consideration of Offender’s Ability to Pay; Priority of Payments.</p> <p>1. a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that</p>	<p>Iowa Code Ann. § 910.2.</p>

pecuniary damages be paid by each offender to the victims of the offender's criminal activities, and that all other restitution be paid to the clerk of court subject to the following:

- (1) Pecuniary damages and category "A" restitution shall be ordered without regard to an offender's reasonable ability to make payments.
- (2) Category "B" restitution shall be ordered subject to an offender's reasonable ability to make payments pursuant to section 910.2A.

b. Pecuniary damages shall be paid to victims in full before category "A" and category "B" restitution are paid.

c. In structuring a plan of restitution, the plan of payment shall provide for payments in the following order of priority:

- (1) Pecuniary damages to the victim.
- (2) Category "A" restitution.
- (3) Category "B" restitution in the following order:
 - (a) Crime victim compensation program reimbursement.
 - (b) Public agencies.
 - (c) Court costs.
 - (d) Court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.
 - (e) Contribution to a local anticrime organization.
 - (f) The medical assistance program.

2. a. When the offender is not reasonably able to pay all or a part of category "B" restitution, the court may require the offender in lieu of that portion of category "B" restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community.

b. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. When calculating the amount of community service to be performed in lieu of payment of court-appointed attorney fees, the court shall determine the approximate equivalent value of the expenses of the public defender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

<p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.100 affords victims the right to restitution. This provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Preparation of Statement of Victims’ Pecuniary Damages; Prosecuting Attorney’s Obligations Regarding Preparation of Statement of Victims’ Pecuniary Damages.</p> <p><[Text subject to final changes by the Iowa Code Editor for Code 2022.]></p> <ol style="list-style-type: none"> 1. The prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 13, paragraph “b”, and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. 2. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender and court costs, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. 	<p>Iowa Code Ann. § 910.3.</p>

3. If the statements in subsection 1 or 2 are provided to the presentence investigator, they shall become a part of the presentence report.

4. If pecuniary damage amounts are not available or are incomplete at the time of sentencing, the prosecuting attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court.

5. The statement of pecuniary damages shall ordinarily be provided no later than thirty days after sentencing. However, a prosecuting attorney may file a statement of pecuniary damages within a reasonable time after the prosecuting attorney is notified by a victim of any pecuniary damages incurred.

6. If a defendant believes no person suffered pecuniary damages, the defendant shall so state.

7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of community service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action.

<Text of subsec. 8, as amended by Acts 2021 (89 G.A.) ch. 80, H.F. 739, § 377.>

8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of community service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal.

<Text of subsec. 8, as amended by Acts 2021 (89 G.A.) ch. 145, S.F. 367, § 8.>

8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal. An appellate court shall not review or modify any

issue related to a defendant's ability to pay unless the defendant has exhausted the defendant's remedies under section 910.7 and obtained a ruling from the district court prior to the issue being raised in the appellate court.

9. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a permanent restitution order setting forth the amount of restitution identified up to that time.

10. A permanent restitution order may be superseded by subsequent orders if additional or different restitution is ordered. A permanent restitution order entered after the time of sentencing shall only be challenged pursuant to section 910.7.

 Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

 Iowa Code Ann. § 915.100 affords victims the right to restitution. This provision is included above.

 Iowa Code Ann. § 910.7 governs challenges to final restitution orders. This provision is included below.

 A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.

<p>Victims' Right to Restitution: Presumption of Offender's Ability to Pay Category "B" Restitution.</p> <p>1. An offender is presumed to have the reasonable ability to make restitution payments for the full amount of category "B" restitution.</p> <p>2. If an offender requests that the court determine the amount of category "B" restitution payments the offender is reasonably able to make toward paying the full amount of such restitution, the court shall hold a hearing and make such a determination, subject to the following provisions:</p> <p>a. To obtain relief at such a hearing, the offender must affirmatively prove by a preponderance of the evidence that the offender is unable to reasonably make payments toward the full amount of category "B" restitution.</p> <p>b. The offender must furnish the prosecuting attorney and sentencing court with a completed financial affidavit. Failure to furnish a completed financial affidavit waives any claim regarding the offender's reasonable ability to pay.</p> <p>c. The prosecuting attorney, the attorney for the defendant, and the court shall be permitted to question the offender regarding the offender's reasonable ability to pay.</p> <p>d. Based on the evidence offered at the hearing, including but not limited to the financial affidavit, the court shall determine the amount of category "B" restitution the offender is reasonably able to make payments toward, and order the offender to make payments toward that amount.</p> <p>3. a. If an offender does not make a request as provided in subsection 2 at the time of sentencing or within thirty days after the court issues a permanent restitution order, the court shall order the offender to pay the full amount of category "B" restitution.</p> <p>b. An offender's failure to request a determination pursuant to this section waives all future claims regarding the offender's reasonable ability to pay, except as provided by section 910.7.</p>	<p>Iowa Code Ann. § 910.2A.</p>
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<p>4. If an offender requests that the court make a determination pursuant to subsection 2, the offender’s financial affidavit shall be filed of record in all criminal cases for which the offender owes restitution and the affidavit shall be accessible by a prosecuting attorney or attorney for the offender without court order or appearance.</p> <p>5. A court that makes a determination under this section is presumed to have properly exercised its discretion. A court is not required to state its reasons for making a determination.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.100 affords victims the right to restitution. This provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Conversion of Certain Existing Restitution Orders into Permanent Restitution Orders.</p> <p>1. All of the following, if entered by a district court prior to the effective date of this division of this Act, shall be converted to permanent restitution orders:</p> <ul style="list-style-type: none"> a. A temporary restitution order. b. A supplemental restitution order. c. A restitution order that does not contain a determination of the defendant’s reasonable ability to pay the restitution ordered. 	<p>Iowa Code Ann. § 910.2B.</p>

<p>2. The only means by which a defendant may challenge the conversion of a restitution order is through the filing of a petition pursuant to section 910.7.</p> <p>3. The provisions of this chapter, including but not limited to the procedures in section 910.2A, shall apply to a challenge to the conversion of an existing restitution order in the district court and on appeal.</p> <p>4. A challenge to the conversion of an existing restitution order to a permanent restitution order shall be filed in the district court no later than one year from June 25, 2020.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Iowa Code Ann. § 915.100 affords victims the right to recover pecuniary damages and details the scope of this right. This provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Determination of Amount of Restitution.</p> <p>1. The prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 13, paragraph “b”, and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing.</p>	<p>Iowa Code Ann. § 910.3.</p>

2. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender and court costs, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing.
 3. If the statements in subsection 1 or 2 are provided to the presentence investigator, they shall become a part of the presentence report.
 4. If pecuniary damage amounts are not available or are incomplete at the time of sentencing, the prosecuting attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court.
 5. The statement of pecuniary damages shall ordinarily be provided no later than thirty days after sentencing. However, a prosecuting attorney may file a statement of pecuniary damages within a reasonable time after the prosecuting attorney is notified by a victim of any pecuniary damages incurred.
 6. If a defendant believes no person suffered pecuniary damages, the defendant shall so state.
 7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of community service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action.
- <Text of subsec. 8, as amended by Acts 2021 (89 G.A.) ch. 80, H.F. 739, § 377.>
8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of community service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal.

<p><Text of subsec. 8, as amended by Acts 2021 (89 G.A.) ch. 145, S.F. 367, § 8.></p> <p>8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal. An appellate court shall not review or modify any issue related to a defendant's ability to pay unless the defendant has exhausted the defendant's remedies under section 910.7 and obtained a ruling from the district court prior to the issue being raised in the appellate court.</p> <p>9. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a permanent restitution order setting forth the amount of restitution identified up to that time.</p> <p>10. A permanent restitution order may be superseded by subsequent orders if additional or different restitution is ordered. A permanent restitution order entered after the time of sentencing shall only be challenged pursuant to section 910.7.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Iowa Code Ann. § 915.100 affords victims the right to restitution. This provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
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<p>Victims’ Right to Restitution: Restitution for Death of a Victim.</p> <p>1. In all criminal cases in which the offender is convicted of a felony in which the act or acts committed by the offender caused the death of another person, in addition to the amount determined to be payable and ordered to be paid to a victim for pecuniary damages, as defined under section 910.1, and determined under section 910.3, the court shall also order the offender to pay at least one hundred fifty thousand dollars in restitution to the victim’s estate if the victim died testate. If the victim died intestate the court shall order the offender to pay the restitution to the victim’s heirs at law as determined pursuant to section 633.210. The obligation to pay the additional amount shall not be dischargeable in any proceeding under the federal Bankruptcy Act. Payment of the additional amount shall have the same priority as payment of a victim’s pecuniary damages under section 910.2, in the offender’s plan for restitution.</p> <p>2. An award under this section does not preclude or supersede the right of a victim’s estate or heirs at law to bring a civil action against the offender for damages arising out of the same facts or event. However, no evidence relating to the entry of the judgment against the offender pursuant to this section or the amount of the award ordered pursuant to this section shall be permitted to be introduced in any civil action for damages arising out of the same facts or event.</p> <p>3. An offender who is ordered to pay a victim’s estate or heirs at law under this section is precluded from denying the elements of the felony offense which resulted in the order for payment in any subsequent civil action for damages arising out of the same facts or event.</p> <p>4. An award under this section made to the victim’s estate or heirs at law shall not be reduced by any third-party payment, including any insurance payment, unless the offender is a named or covered insured.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Iowa Code Ann. § 910.3B.</p>
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<p> Iowa Code Ann. § 915.100 affords victims the right to recover pecuniary damages and details the scope of this right. This provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Condition of Probation.</p> <p>1. When restitution is ordered by the sentencing court and the offender is placed on probation, restitution shall be a condition of probation.</p> <p>a. Failure of the offender to comply with the plan of restitution, plan of payment, or community service requirements when community service is ordered by the court as restitution, shall constitute a violation of probation and shall constitute contempt of court.</p> <p>b. If an offender fails to comply with restitution requirements during probation, the court may hold the offender in contempt, revoke probation, or extend the period of probation.</p> <p>(1) If the court extends the period of probation, the period of probation shall not be for more than the maximum period of probation for the offense committed except for an extension of a period of probation as authorized in section 907.7. After discharge from probation or after the expiration of the period of probation, as extended if applicable, the failure of an offender to comply with the plan of restitution shall constitute contempt of court.</p> <p>(2) If an offender’s probation is revoked, the offender’s assigned probation officer shall forward to the director of the Iowa department of corrections all known information concerning the offender’s restitution obligations, including but not limited to the plan of restitution, and any other pertinent information concerning or affecting restitution by the offender.</p>	<p>Iowa Code Ann. § 910.4.</p>

2. When the offender is committed to a county jail, or to an alternate facility, the office or individual charged with supervision of the offender shall prepare a restitution plan of payment and shall submit the plan to the court.

a. When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service.

b. When there is a significant change in the offender's income or circumstances, the office or individual which has supervision of the restitution plan of payment shall submit a modified plan of payment to the court.

3. a. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

b. If there has been a significant change in the offender's circumstances or income, the receiving office or individual shall submit a new restitution plan of payment to the sentencing court.

4. Notwithstanding any other provision in this chapter, the plan of payment shall be based on all information pertinent to the offender's reasonable ability to pay. The first monthly payment under such a plan shall be made within thirty days of the approval of the plan.



Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.

<p>Victims’ Right to Restitution: Victims’ Right to Copy of the Plan.</p> <p>An office or individual preparing a restitution plan of payment or modified plan of payment shall forward a copy to the clerk of court in the county in which the offender was sentenced. The clerk of court shall forward a copy of the restitution plan of payment or modified plan of payment to the victim or victims.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Iowa Code Ann. § 910.6.</p>
<p>Victims’ Right to Restitution: Petitions for Hearing on Matters Related to Plan of Restitution or Plan of Payment.</p> <ol style="list-style-type: none"> 1. At any time during the period of probation, parole, or incarceration, the offender, the prosecuting attorney, or the office or individual who prepared the offender’s restitution plan may petition the court on any matter related to the plan of restitution or restitution plan of payment and the court shall grant a hearing if on the face of the petition it appears that a hearing is warranted. 2. After a petition has been filed, the court, at any time prior to the expiration of the offender’s sentence, provided the required notice has been given pursuant to subsection 3, may modify the plan of restitution or the restitution plan of payment, or both, and may extend the period of time for the completion of restitution. 	<p>Iowa Code Ann. § 910.7.</p>

<p>3. If a petition related to a plan of restitution has been filed, the offender, the prosecuting attorney, the department of corrections if the offender is currently confined in a correctional institution, the office or individual who prepared the offender’s restitution plan, and the victim shall receive notice prior to any hearing under this section.</p> <p>4. An appellate court shall not review or modify an offender’s plan of restitution, restitution plan of payment, or any other issue related to an offender’s restitution under this subsection, unless the offender has exhausted the offender’s remedies under this section and obtained a ruling from the district court prior to the issue being raised in the appellate courts.</p> <p>5. Appellate review of a district court ruling under this section shall be by writ of certiorari.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Enforcement of Judgment.</p> <p>1. An order requiring an offender to pay restitution constitutes a judgment and lien against all property of a liable defendant for the amount the defendant is obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property.</p> <p>2. A judgment of restitution may be enforced by the state, a victim entitled under the order to receive restitution, a deceased victim’s estate, or any other beneficiary of the judgment in the same manner as a civil judgment.</p>	<p>Iowa Code Ann. § 910.7A.</p>

<p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Victims’ Right to Recover Civil Damages.</p> <p>This chapter and proceedings under this chapter do not limit or impair the rights of victims to sue and recover damages from the offender in a civil action. The institution of a restitution plan shall toll the applicable statute of limitations for a civil action arising out of the same facts or event for the period of time that the restitution plan is effective. However, any restitution payment by the offender to a victim shall be set off against any judgment in favor of the victim in a civil action arising out of the same facts or event.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Iowa Code Ann. § 910.8.</p>

<p>Victims’ Right to Restitution: Collection of Payments; Payments by Clerk of Court.</p> <p>1. An offender making restitution pursuant to a restitution plan of payment shall make the payment monthly to the clerk of court of the county from which the offender was sentenced, unless the restitution plan of payment provides otherwise. If the restitution plan authorizes payment to an entity other than the clerk of court, that entity shall regularly file a partial or full satisfaction of judgment with the clerk of court concerning amounts collected by that entity.</p> <p>2. The clerk of court shall maintain a record of all receipts and disbursements of restitution payments and shall disburse all moneys received to the victims designated in the plan of restitution. If there is more than one victim, disbursements to the victims shall be on the basis of the victim’s percentage of the total owed by the offender to all victims, except that the clerk of court may decide the allocation of payments owed to a victim of twenty-five dollars or less.</p> <p>3. Category “A” restitution and category “B” restitution shall not be withheld by the clerk of court until all pecuniary damages to victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender shall notify all victims that full restitution has been made. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Iowa Code Ann. § 910.9.</p>
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 <p>A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Restitution Liens.</p> <ol style="list-style-type: none"> 1. The state or a person entitled to restitution under a court order may file a restitution lien. 2. The restitution lien shall set forth all of the following information, if known: <ol style="list-style-type: none"> a. The name and date of birth of the person whose property or other interests are subject to the lien. b. The present address of the residence and principal place of business of the person named in the lien. c. The criminal proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court’s file number. d. If applicable, any juvenile delinquency proceeding pursuant to which the lien is filed, including only the name of the court, the title of the action, and the court’s file number. e. The name and business address of the attorney representing the state in the proceeding pursuant to which the lien is filed or the name and residence and business address of each person entitled to restitution pursuant to a court order. f. A statement that the notice is being filed pursuant to this section. g. The amount of restitution the person has been ordered to pay or is likely to be ordered to pay. 3. A restitution lien may be filed by any of the following: <ol style="list-style-type: none"> a. A prosecuting attorney in a criminal proceeding in which restitution is likely to be sought after the filing of an information or indictment. At the time of arraignment, the prosecuting attorney shall give the defendant notice of any restitution lien filed. 	<p>Iowa Code Ann. § 910.10.</p>

<p>b. A victim in a criminal proceeding after restitution is determined and ordered by the trial court following pronouncement of the judgment and sentence.</p> <p>c. A victim in a juvenile delinquency proceeding after restitution has been determined and ordered by the juvenile court and the juvenile offender has been discharged from the jurisdiction of the juvenile court due to reaching the age of eighteen years.</p> <p>4. The filing of a restitution lien in accordance with this section creates a lien in favor of the state and the victim in any personal or real property identified in the lien to the extent of the interest held in that property by the person named in the lien.</p> <p>5. This section does not limit the right of the state or any other person entitled to restitution to obtain any other remedy authorized by law.</p> <p> Iowa Code Ann. § 910.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Distribution of Moneys Received as the Result of the Commission of a Crime.</p> <p>2. Due process hearing--action by attorney general.</p> <p>a. The attorney general may bring an action to require all proceeds received by a convicted felon or representative of the convicted felon to be deposited in an escrow account as provided in this section.</p> <p>b. The action may be brought in the county where the convicted felon resides, or the county in which the proceeds are located.</p>	<p>Iowa Code Ann. § 910.15(2)–(9).</p>

<p>c. The action shall be preceded by notice to any interested party.</p> <p>d. The court shall order that all proceeds be deposited in the escrow account until an order of disposition is made by the court pursuant to subsection 3, 4, or 5 or until the expiration of the escrow account as specified in subsection 8, if the attorney general proves both of the following:</p> <p>(1) The proceeds are fruits of the crime for which the convicted felon was convicted.</p> <p>(2) It is more probable than not that there are victims who may recover a money judgment against the felon for physical, mental, or emotional injury or pecuniary loss proximately caused by the convicted felon as a result of the felony for which the felon was convicted or there is an unpaid order of restitution under this chapter against the convicted felon for the felony for which the felon was convicted.</p> <p>e. If the court orders that proceeds be deposited in an escrow account and the nature of the proceeds to the person initially convicted of the crime is such that it cannot be placed in an escrow account, the attorney general shall assume the powers of a receiver under chapter 680 in taking charge of the property for benefit of and payable to any victim or representative of the victim. In those instances, the date the attorney general assumed the power of a receiver shall be considered the date the escrow account was established for purposes of this section.</p> <p>3. Notice of establishment of escrow account. Once an escrow account is established, the attorney general shall make reasonable efforts to notify victims and representatives of victims of the escrow account and their possible rights under this section. The reasonable efforts shall include, but are not limited to, mailing the notification to known victims or representatives of known victims. The cost of notification shall be paid from the escrow account or from the sale of property held in receivership.</p> <p>4. Proceeds for legal defense of felon. The attorney general shall make payments from the escrow account or property held in receivership to the person accused of the crime upon the order of a court of competent jurisdiction after a showing by the person that the money or other property shall be used for the exclusive purpose of retaining legal representation at any stage of the criminal proceedings against the person, including the appeals process.</p>	
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5. Payment of escrow funds to victims. The remaining proceeds in escrow may be levied upon to satisfy an order for restitution under this chapter or a money judgment entered against the convicted felon, by a court of competent jurisdiction, for physical, mental, or emotional injury, or pecuniary loss proximately caused by the convicted felon as a result of the felony for which the felon was convicted.

6. Priority and proration of claims. Proceeds distributed under subsection 3 shall have first priority, and proceeds distributed for the cost of legal defense under subsection 4 shall have second priority in the distribution of proceeds in the escrow account. If there are multiple orders for restitution and judgments by victims under subsection 5 against the convicted felon, and the remaining proceeds in the escrow account are insufficient to satisfy all of the orders for restitution and judgments, the proceeds shall be distributed on a pro rata basis based on the ratio that the amount of an order for restitution or an individual victim's judgment bears to the total amount of all restitution orders and victims' judgments against the convicted felon which have been claimed under this section.

7. Limitation of action. Notwithstanding section 614.1, a victim or the victim's representative who has a cause of action for a crime for which an escrow account or receivership is established pursuant to this section may bring the action against the escrow account or against the property in receivership within five years of the date the escrow account is established.

8. Duration of escrow account. Notwithstanding the other provisions of this section, upon a disposition of charges favorable to the person accused of committing the felony, or upon a showing by the person that five years have elapsed from the date of establishment of the escrow account and further that no actions are pending against the person or unpaid orders for restitution or monetary judgments outstanding relating to the felony for which the felon was convicted, the attorney general shall immediately pay over any money in the escrow account to the person.

9. Purpose. The purpose of this section is to meet the following compelling state interests:

<p>a. The state has an interest in ensuring that victims of crime are compensated by those who harm them.</p> <p>b. The state has an interest in ensuring that criminals do not profit from their felonious crimes at the expense of their victims.</p>	
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