
ORDERS OF PROTECTION

There are two types of orders that will keep a person from having contact with another person. It is not possible to get such an Order unless the very limited circumstances listed below are met.

1. **No Contact Order (NCO)** is an Order issued in a criminal case for domestic abuse, harassment, stalking, sexual abuse OR any other crime that has a "victim" (person who has suffered physical, emotional or financial harm as a result of a crime committed in Iowa). Only a judge can issue a NCO, and only in connection with a criminal offense after the judge determines (1) there is probable cause to believe a public offense has occurred, and (2) the presence of or contact with defendant poses "a threat to the safety of the alleged victim," the victim's household members or family. It is unlikely that a NCO will be issued for burglary, theft, or property crime. Neither law enforcement nor I can issue a NCO, but we are permitted to let the judge know our opinion about whether issuance is appropriate.

2. **Protective Order (PO)** is a civil order entered under chapter 236, a juvenile order under chapter 232 or as part of custody/divorce under chapter 598. Law enforcement and I are not involved in the issuance of a PO. Unless it is a request under chapter 236, the victim should contact an attorney or file paperwork. The victim may request a PO under chapter 236 if the victim and perpetrator of the assault are married to or divorced from one another, have a child together or reside together now or within one year prior to the assault. The forms are available from any Clerk of Court, but it is best to file them in the County you live in. Once you fill out the forms, a judge will decide whether a temporary order should be issued, and either way will set a hearing where you will need to come in and present evidence to the Court about why you feel a PO is necessary. The perpetrator will need to attend the hearing as well, but there will be security present.

All parties to the order are bound by it. A protected party who violates a NCO or PO may be prosecuted as well. Violating a NCO or PO is a crime and also a contempt matter. If a violation occurs you should contact your local law enforcement agency, or 911 if it is an emergency. The State (law enforcement or I) determine which violation will be pursued. Generally, a violation requires mandatory arrest.