

Sexual Abuse Civil Protective Orders

Research Paper – September 2019

Background

During the 2017 legislative session, the Legislature passed [SF 401](#), a bill originally sponsored by Senator Janet Petersen. The legislation authorized Iowa courts to issue sexual abuse civil protective orders.

The Iowa Coalition Against Sexual Assault (the Coalition) and other advocates have been lobbying for this legislation for years. The Coalition works with thousands of Iowa survivors of sex abuse. Passage of the law allowed many survivors of sexual abuse to seek protection and safety from their abusers through the courts.

During the 2016 session, the Senate passed a similar bill, [SF 336](#), that had been sponsored by Senator Pam Jochum. However, the House amended it and sent a substantially weakened bill back to the Senate. The amended bill was not taken up.

[SF 401](#) created a new *Code* chapter, 236A, which established a process for victims of sexual abuse to apply to the court for a civil protective order that requires the perpetrator to stay away from the applicant, their home, school and workplace. Abusers who violate a civil protective order risk contempt-of-court proceedings and possible jail time. Previously, civil protective orders were only available to victims of domestic abuse and elder abuse.

Prior to the enactment of [SF 401](#), victims of sexual abuse could only get a no-contact order (the criminal counterpart to a protective order) if there was a criminal prosecution, which frequently does not happen. Those protected by a sexual abuse civil protective order can sign up for notifications from a victim notification system. The protected person and others who register are notified when the protective order is served and at least 30 days prior to its expiration.

The Coalition has shared hundreds of instances in which rape victims could not get relief through the criminal justice system and had nowhere to turn for protection. Sometimes a victim does not want to pursue criminal charges, and those wishes must be respected. Other times, victims want to pursue charges, but law enforcement, including county attorneys, will not proceed with a criminal complaint. This came to light when the Victim Assistance Division in the Iowa Attorney General's Office received a federal grant to survey the number of untested sexual assault kits at local law enforcement agencies.

Sexual violence often goes unaddressed

In 2015, the Crime Victim Assistance Division (CVAD) at Iowa's Department of Justice applied for and received a grant from the [Sexual Assault Kit Initiative \(SAKI\)](#) at the Federal Bureau of Justice Assistance. This allowed CVAD to do a comprehensive review of untested sexual assault kits in Iowa and, if warranted, develop a multidisciplinary approach to understanding why sexual assault kits go untested, prevent high numbers of unsubmitted kits in the future, and support investigation and prosecution of sexual assaults using a victim-centered approach.

Pursuant to the grant, the CVAD surveyed multiple police departments throughout Iowa and every county sheriff's office, asking about the number of untested sexual assault kits (also known as "rape kits") stored at the agencies and why the kits had not been submitted to the State Crime Lab for testing.

All sheriffs' offices and 387 police departments responded. A [report](#) to the Legislature on March 9, 2017, identified more than 4,200 untested rape kits. The kits had not been sent to the State Crime Lab for a variety of reasons, but it is apparent that law enforcement and county attorneys do not always proceed with a case, even when that decision goes against a victim's wishes.



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Why are kits were not tested?

- Law enforcement doubted the truthfulness of accusations in 623 cases (14.6%).
- 240 kits (5.6%) went untested because law enforcement suspected consensual sexual activity.
- 233 (5.5%) were not tested because of “uncertain usefulness of forensic evidence.”

This goes to the issue of “[rape myths](#),” which are believed by a significant proportion of the population but are truly myths.

The bottom line is that many victims/survivors have needed protection, which the criminal justice system could not or would not provide them. Consequently, legislators saw the need for sexual assault civil protective orders and passed [SF 401](#).

Sexual Assault Civil Protective Orders

Since implementation of the legislation in July 2017, numerous protective orders have been issued, according to the Judicial Branch.

From July 1, 2017, through mid-September 2019:

- 385 adult sex abuse protective order petitions filed
- 310 adult temporary orders issued
- 190 adult final orders issued
- 100 juvenile sex abuse protective order petitions filed
- 75 juvenile temporary orders issued
- 53 juvenile final orders issued

Totals:

- 485 Sex abuse protective order petitions
- 385 Temporary orders issued
- 243 Final orders issued

Sexual Assault Civil Protective Orders can provide a sense of security to survivors. Hopefully, they will also help change a culture in which victims are not always believed and sometimes are revictimized by a system that blames them for the crime perpetrated against them.