

Court Orders

In Iowa, Protective Orders, No Contact Orders, and Restraining Orders are issued by the court. The police department is not involved in the issuing of these court orders. The following information about these orders was obtained from the Winnebago County Clerk of Court.

When a person comes to this office for a protective, no contact or restraining order, we are not always able to help. These are the guidelines we use:

Protective Order

A person may receive a protective order under Chapter 236, Domestic Abuse. However, at the time of the Abuse, the two parties must be one of the following:

Married

Separated

Divorced

Adult relatives living together

Living together

Lived together within one year of the assault, but not at the time of the assault

Parents of the same minor (under 18) child or children

Intimate relationship. **

Have been in an intimate relationship and have had contact within one year of the assault.

**An intimate relationship means a significant romantic involvement that need not include sexual involvement. It does not include casual social relationships or associations in a business or professional capacity.

The forms to be completed are in the Clerk's office. A District Court Judge will determine if a protective order is issued.

No Contact Order

A person must file a criminal complaint with Law Enforcement.

-- If an arrest was made at the time of the complaint, the defendant will be seen by the Magistrate at the initial appearance. At that time the Magistrate will determine if a no contact order is issued.

-- If an arrest was not made at the time the complaint is filed, the Magistrate will review the complaint, issue a warrant or set an initial appearance date ordering the defendant to appear. At the initial appearance the Magistrate will determine if a no contact order is issued.

Restraining Order

A person must initiate a civil case (Set out in IRCP 1.1501). Since the Clerk's office does not give legal advice, we suggest the person contact an attorney. A District Court Judge will determine if a restraining order is issued.

County Attorney

The police department does not issue the types of court orders described on this page. The police department does not give legal advice on these issues and strongly recommends people contact an attorney for legal advice.

For further information on protective orders in a criminal case where an arrest or conviction occurred and an order may be applicable, please contact the County Attorney of jurisdiction.

Winnebago County Attorney
Courthouse
126 South Clark Street
Forest City, IA 50436
641-585-0023

Hancock County Attorney
Courthouse
855 State Street
Garner, IA 50438
641-923-4198