IOWA COURT RULES FIFTH EDITION



Published under the authority of Iowa Code section 2B.5B.

PREFACE

The Fifth Edition of the Iowa Court Rules was published in July 2009 pursuant to Iowa Code section 2B.5(2). Subsequent updates to the Iowa Court Rules, as ordered by the Supreme Court, are published in electronic format only and include chapters that have been amended or adopted.

The Iowa Court Rules and related documents are available at www.legis.iowa.gov/law/courtRules.

To receive e-mail notification of the publication of a Supplement to the Iowa Court Rules, subscribe at www.legis.iowa.gov/subscribe/subscriptions.

Inquiries. Inquiries regarding access to the Iowa Court Rules should be directed to the Legislative Services Agency's Computer Services Division Help Desk at 515.281.6506.

Citation.	The rules	shall be	cited	as follows:
-----------	-----------	----------	-------	-------------

Chapter 1	Iowa R. Civ. P.
Chapter 2	Iowa R. Crim. P.
Chapter 5	Iowa R. Evid.
Chapter 6	Iowa R. App. P.
Chapter 16	Iowa R. Elec. P.

Chapter 32 Iowa R. of Prof'l Conduct
Chapter 51 Iowa Code of Judicial Conduct

All other rules shall be cited as "Iowa Ct. R."

Supplements. Supplements to the Fifth Edition of the Iowa Court Rules have been issued as follows:

```
2009 — August, September, October, November, December
```

2010 — January, February, March, May, June, August, September, December

2011 — February

2012 — January, May, June, August, September, December

2013 — March, May, June, August, September, November, December

2014 — January, March, April, June, December

2015 — January, April, May, October, December

2016 — February, July, August, December

2017 — January, April, August, September, November, December

2018 — June, August, December

2019 — February, July, August, December

2020 — February, April

TABLE OF CONTENTS

I. RULES OF PRACTICE AND PROCEDURE

	i. Reles of Trace field and Troceberg
Chapter 1	Rules of Civil Procedure
Chapter 2	Rules of Criminal Procedure
Chapter 3	Standard Forms of Pleadings for Small Claims Actions
Chapter 4	No Contact and Protective Orders
Chapter 5	Rules of Evidence
Chapter 6	Rules of Appellate Procedure
Chapter 7	Rules of Probate Procedure
Chapter 8	Rules of Juvenile Procedure
Chapter 9	Child Support Guidelines
Chapter 10	Guidelines for the Forfeiture and Restoration of a Bond Posted Pursuant to Iowa Code Section 598.21(8A)
Chapter 11	Standards of Conduct for Mediators
Chapter 12	Rules for Involuntary Hospitalization of Mentally Ill Persons
Chapter 13	Rules for Involuntary Commitment or Treatment of Persons with Substance-Related Disorders
Chapters 14 to 15	Reserved
Chapter 16	Iowa Rules of Electronic Procedure
Chapter 17	Forms for Self-Represented Litigants
Chapters 18 to 19	Reserved
	II. JUDICIAL ADMINISTRATION

Court Records
Organization and Procedures of Appellate Courts
Judicial Administration
Time Standards for Case Processing
Reserved
Rules for Expanded News Media Coverage
Rules for Installment Payment Plans and Other Court Collection Activities
Reserved

III. PROFESSIONAL REGULATION

	III. PROFESSIONAL REGULATION
Chapter 31	Admission to the Bar
Chapter 32	Iowa Rules of Professional Conduct
Chapter 33	Standards for Professional Conduct
Chapter 34	Administrative and General Provisions
Chapter 35	Iowa Supreme Court Attorney Disciplinary Board Rules of Procedure
Chapter 36	Grievance Commission Rules of Procedure
Chapter 37	Commission on the Unauthorized Practice of Law
Chapter 38	Rules of Procedure of the Commission on the Unauthorized Practice of Law
Chapter 39	Client Security Commission
Chapter 40	Regulations of the Client Security Commission
Chapter 41	Continuing Legal Education for Lawyers
Chapter 42	Regulations of the Commission on Continuing Legal Education
Chapter 43	Lawyer Trust Account Commission
Chapter 44	Lawyer Trust Account Commission Grant Criteria and Guidelines
Chapter 45	Client Trust Account Rules

Chapter 46 Chapter 47 Chapter 48 Chapter 49 Chapter 50	Rules of the Board of Examiners of Shorthand Reporters Court Interpreter and Translator Rules Code of Professional Conduct for Court Interpreters and Translators Office of Professional Regulation Reserved
IV	7. JUDICIAL QUALIFICATIONS AND CONDUCT
Chapter 51	Iowa Code of Judicial Conduct
Chapter 52	Rules of Procedure of the State of Iowa Commission on Judicial Qualifications
Chapters 53 to 60	Reserved
	V. STANDARDS OF PRACTICE
Chapter 61	Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court
Chapter 62	Iowa Standards of Practice for Lawyers Representing Children in Custody Cases
Chapter 63	Iowa Standards of Practice for Child and Family Reporters in Child Custody

Cases

CHAPTER 1 RULES OF CIVIL PROCEDURE

DIVISION I OPERATION OF RULES

Rule 1.101 Applicability; statutes affected

Rules 1.102 to 1.200 Reserved

Rules 1.247 to 1.250

E. INTERPLEADER

Rule 1.251

DIVISION II ACTIONS, JOINDER OF ACTIONS AND PARTIES

AC	TIONS, SOME OF ACTIONS AND
A. PARTIES GENERALLY;	CAPACITY
Rule 1.201	Real party in interest
Rule 1.202	Public bond
Rule 1.203	Partnerships
Rule 1.204	Foreign corporations
Rule 1.205	Assignees; exception
Rule 1.206	Injury or death of a minor
Rule 1.207	Actions by and against state
Rule 1.208	Married persons
Rule 1.209	Desertion of family
Rule 1.210	Minors; incompetents
Rule 1.211	Defense by incompetent, prisoner, etc
Rule 1.212	Guardian ad litem
Rules 1.213 to 1.220	Reserved
B. SUBSTITUTION OF PAI	DTIES
Rule 1.221	Substitution at death; limitation
Rule 1.222	Transfer of interest
Rule 1.223	Incapacity pending action
Rule 1.224	Nonabatement in case of guardianship
Rule 1.225	Majority of minor
Rule 1.226	Officers; representatives
Rule 1.227	Notice to substituted party
Rules 1.228 to 1.230	Reserved
Rules 1.220 to 1.230	Reserved
C. JOINDER; MISJOINDER	
Rule 1.231	Actions joined
Rule 1.232	Multiple plaintiffs
Rule 1.233	Permissive joinder of defendants
Rule 1.234	Necessary parties; joinder
Rule 1.235	Parties partly interested
Rule 1.236	Remedy for misjoinder
Rule 1.237	Dependent remedies joined
Rules 1.238 to 1.240	Reserved
D. COUNTERCLAIMS AN	D CROSS-CLAIMS
Rule 1.241	Compulsory counterclaims
Rule 1.242	Permissive counterclaims
Rule 1.243	Joinder of counterclaims
Rule 1.244	Counterclaim not limited
Rule 1.245	Cross-claim against coparty
Rule 1.246	Third-party practice

Reserved

Right of interpleader

Rule 1.252	By defendants
Rule 1.253	Deposit; discharge
Rule 1.254	Substitution of claimant
Rule 1.255	Injunction
Rule 1.256	Costs
Rule 1.257	Sheriff or officer; creditor
Rules 1.258 to 1.260	Reserved
F. CLASS ACTIONS	
Rule 1.261	Commencement of a class action
Rule 1.262	Certification of class action
Rule 1.263	Criteria considered
Rule 1.264	Order on certification
Rule 1.265	Amendment of certification order
Rule 1.266	Notice of action
Rule 1.267	Exclusion
Rule 1.268	Conduct of action
Rule 1.269	Discovery by or against class members
Rule 1.270	Counterclaims
Rule 1.271	Dismissal or compromise
Rule 1.272	Effect of judgment on class
Rule 1.273	Costs
Rule 1.274	Relief afforded
Rule 1.275	Attorney's fees
Rule 1.276	Arrangements for attorney's fees and expenses
Rule 1.277	Statute of limitations
Rule 1.278	Virtual representation
Rule 1.279	Shareholder's actions
Rule 1.280	Reserved

G. EXPEDITED CIVIL ACTIONS

Rule 1.281 Expedited civil actions

Rules 1.282 to 1.300 Reserved

DIVISION III COMMENCEMENT OF ACTIONS

Rule 1.301	Commencement of actions; tolling; cover sheet
Rule 1.302	Original notice; form, issuance and service
Rule 1.303	Time for motion or answer to petition
Rule 1.304	Response of garnishee
Rule 1.305	Personal service
Rule 1.306	Alternate method of service
Rule 1.307	Member of general assembly
Rule 1.308	Returns of service
Rule 1.309	Amendment of process or proof of service
Rule 1.310	Service by publication; what cases
Rule 1.311	Known defendants
Rule 1.312	Unknown defendants, respondents, or other parties
Rule 1.313	How published
Rule 1.314	Proof of publication
Rule 1.315	Actual service
Rules 1.316 to 1.400	Reserved

DIVISION IV PLEADINGS AND MOTIONS

A. PLEADINGS GENERALLY

Rule 1.401 Allowable pleadings

Rule 1.402 Rule 1.403 Rule 1.404 Rule 1.405 Rule 1.406 Rule 1.407 Rules 1.408 to 1.410	General rules of pleading Claims for relief Appearances Answer Reply Interventions Reserved
B. PLEADINGS; FORMAT Rule 1.411 Rule 1.412 Rule 1.413 Rule 1.414 Rule 1.415 Rule 1.416 Rule 1.417 Rule 1.418 Rule 1.419 Rule 1.420 Rule 1.420 Rule 1.421 Rule 1.422 Rule 1.423 Rules 1.424 to 1.430	AND CONTENT Caption and signature Paragraphs; separate statements Verification abolished; affidavits; certification Supplemental pleadings Judicial notice; statutes Negligence; mitigation Permissible conclusions; denials Contract Defenses to be specially pleaded Account; bill of particulars; denial Defenses; how raised; consolidation; waiver Protected information Limited representation pleadings and papers Reserved
C. MOTIONS Rule 1.431 Rule 1.432 Rule 1.433 Rule 1.434 Rule 1.435 Rules 1.436 to 1.440	Motion practice; generally Failure to move; effect of overruling motion Motion for more specific statement Motion to strike Motion days; submission of pretrial motions Reserved
D. TIME, FILING, AND NO Rule 1.441 Rule 1.442 Rule 1.443 Rule 1.444 Rules 1.445 to 1.450	OTICE REQUIREMENTS Time to move or plead Service and filing of pleadings and other papers Enlargement; additional time after service Pleading over; election to stand Reserved
E. COURT ACTION Rule 1.451 Rule 1.452 Rule 1.453 Rule 1.454 Rule 1.455 Rule 1.456 Rule 1.457 Rule 1.458 Rules 1.459 to 1.499	Specific rulings required Order defined When and how entered Reserved Preliminary determination Cross-petition, cross-claim, counterclaim; judgment Amending to conform to the evidence Special action; proper remedy awarded Reserved
	DIVISION V DISCOVERY AND INSPECTION
Rule 1.500 Rule 1.501 Rule 1.502 Rule 1.503 Rule 1.504 Rule 1.505	Duty to disclose; required disclosures Discovery methods Discovery materials not filed Scope of discovery Protective orders Timing and sequence of discovery

Rule 1.506	Stipulations regarding discovery procedure
Rule 1.507	Discovery conference of the parties
Rule 1.508	Discovery of experts
Rule 1.509	Interrogatories to parties
Rule 1.510	Requests for admission
Rule 1.511	Effect of admission
Rule 1.512	Production of documents, electronically stored information, and things;
	entry upon land for inspection and other purposes
Rule 1.513	Reserved
Rule 1.514	Action for production or entry against persons not parties
Rule 1.515	Physical and mental examination of persons
Rule 1.516	Report of health care practitioner
Rule 1.517	Consequences of failure to make disclosures or discovery
Rules 1.518 to 1.600	Reserved

DIVISION VI PRETRIAL PROCEDURE

Rule 1.601	Pretrial calendar
Rule 1.602	Pretrial conferences; scheduling; management
Rule 1.603	Pretrial conference; record
Rule 1.604	Pretrial orders
Rules 1.605 to 1.700	Reserved

DIVISION VII DEPOSITIONS AND PERPETUATING TESTIMONY

A. DEPOSITIONS	
Rule 1.701	Depositions upon oral examination
Rule 1.702	Depositions in small claims
Rule 1.703	Deposition notice to parties in default
Rule 1.704	Use of depositions
Rule 1.705	Effect of taking or using depositions
Rule 1.706	Substituted parties; successive actions
Rule 1.707	Notice for oral deposition
Rule 1.708	Conduct of oral deposition
Rule 1.709	Reading and signing depositions
Rule 1.710	Depositions on written interrogatories
Rule 1.711	Answers to interrogatories
Rule 1.712	Certification and return; copies
Rule 1.713	Before whom taken
Rule 1.714	Letters rogatory
Rule 1.715	Deposition subpoena
Rule 1.716	Costs of taking deposition
Rule 1.717	Irregularities and objections
Rules 1.718 to 1.720	Reserved
B. PERPETUATING TESTI	MONY
Rule 1.721	Common law preserved
Rule 1.722	Application before action
Rule 1.723	Notice of application
Rule 1.724	Guardian ad litem
Rule 1.725	Order allowing application
Rule 1.726	Taking and filing testimony
11410 1.720	ruking and ming commony

Rule 1.727	Limitations on use
Rule 1.728	Perpetuating testimony pending appeal

Rules 1.729 to 1.800 Reserved

DIVISION VIII CHANGE OF VENUE

Rule 1.801	Grounds for change
Rule 1.802	Limitations
Rule 1.803	Subsequent change
Rule 1.804	Of whole case
Rule 1.805	Where tried
Rule 1.806	Costs
Rule 1.807	Transferring cause

Action brought in wrong county Reserved Rule 1.808

Rules 1.809 to 1.900

DIVISION IX TRIAL AND JUDGMENT

A. TRIALS	
Rule 1.901	Trials and issues
Rule 1.902	Demand for jury trial
Rule 1.903	Trial of issues; reporting
Rule 1.904	Findings by court
Rule 1.905	Exceptions unnecessary
Rule 1.906	Civil trial-setting conference
Rule 1.907	Trial assignments
Rule 1.908	Duty to notify court
Rule 1.909	Fee for late settlement of jury trial
Rule 1.910	Motions for continuance
Rule 1.911	Causes for continuance
Rule 1.912	Objections; ruling; costs
Rule 1.913	Consolidation
Rule 1.914	Separate trials
Rule 1.915	Impaneling jury
Rule 1.916	Saturday a religious day
Rule 1.917	Juror incapacity; minimum number of jurors
Rule 1.918	Returning ballots to box
Rule 1.919	Procedure after jury sworn
Rule 1.920	Further testimony for mistake
Rule 1.921	Adjournments
Rule 1.922	View
Rule 1.923	Arguments
Rule 1.924	Instructions
Rule 1.925	Additional instructions
Rule 1.926	Materials available to jurors
Rule 1.927	Separation and deliberation of jury
Rule 1.928	Discharge; retrial
Rule 1.929	Court open for verdict
Rule 1.930	Food and lodging
Rule 1.931	Rendering verdict and answering interrogatories
Rule 1.932	Form and entry of verdicts
Rule 1.933	Special verdicts
Rule 1.934	Interrogatories
Rule 1.935	Reference to master
Rule 1.936	Compensation
Rule 1.937	Powers
Rule 1.938	Speedy hearing

Rule 1.939	Witnesses
Rule 1.940	Accounts
Rule 1.941	Filing report
Rule 1.942	Disposition
Rule 1.943	Voluntary dismissal
Rule 1.944	Uniform rule for dismissal for want of prosecution
Rule 1.945	Involuntary dismissal
Rule 1.946	Effect of dismissal
Rule 1.947	Costs of previously dismissed action
Rules 1.948 to 1.950	Reserved

B. JUDGMENTS GENERALLY

Rule 1.951	Judgment defined
Rule 1.952	Partial judgment
Rule 1.953	As to some parties only
Rule 1.954	Judgment on the pleadings
Rule 1.955	On verdict
Rule 1.956	Principal and surety; order of liability
Rule 1.957	On claim and counterclaim
Rule 1.958	Reserved
Rule 1.959	Entry
Rule 1.960	Taxation of costs
Rule 1.961	Notes surrendered
Rule 1.962	Affidavit of identity

Rules 1.963 to 1.970 Reserved

C. DEFAULTS AND JUDGMENTS THEREON

e. Bernelis in Brebe	THE THE THE
Rule 1.971	Default defined
Rule 1.972	Procedure for entry of default
Rule 1.973	Judgment on default
Rule 1.974	Notice of default in certain cases
Rule 1.975	On published service
Rule 1.976	Relief in other cases
Rule 1.977	Setting aside default
Rules 1.978 to 1.980	Reserved

D. SUMMARY JUDGMENTS

Rule 1.981	On what claims
D 1 1 000	0 4 11

Rule 1.982 On motion in other cases

Rule 1.983 Procedure Rules 1.984 to 1.1000 Reserved

DIVISION X PROCEEDINGS AFTER JUDGMENT

Rule 1.1001	Bill of exceptions
Rule 1.1002	New trial defined
Rule 1.1003	Judgment notwithstanding verdict
Rule 1.1004	New trial
Rule 1.1005	Motion; affidavits
Rule 1.1006	Stay
Rule 1.1007	Time for motions and exceptions
Rule 1.1008	Conditional rulings on grant of motion
Rule 1.1009	Issues tried by consent; amendment
Rule 1.1010	Conditional new trial
Rule 1.1011	Retrial after published notice
Rule 1.1012	Grounds for vacating or modifying judgment
Rule 1.1013	Procedure for vacating or modifying judgment
Rule 1.1014	Disposition of exhibits

June 2020	CIVIL PROCEDURE
Rule 1.1015	Titles and liens protected
Rule 1.1016	Judgment discharged on motion
Rule 1.1017	Fraudulent assignment; motion
Rule 1.1018	Execution; duty of officer
Rule 1.1019	Endorsement
Rule 1.1020	Levy on personalty
Rules 1.1021 to 1.1100	Reserved
	DIVISION XI
	DECLARATORY JUDGMENTS
Rule 1.1101	
Rule 1.1101 Rule 1.1102	DECLARATORY JUDGMENTS
	DECLARATORY JUDGMENTS Declaratory judgments permitted
Rule 1.1102	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc
Rule 1.1102 Rule 1.1103	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc Before or after breach
Rule 1.1102 Rule 1.1103 Rule 1.1104	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc Before or after breach Fiduciaries, beneficiaries and others
Rule 1.1102 Rule 1.1103 Rule 1.1104 Rule 1.1105	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc Before or after breach Fiduciaries, beneficiaries and others Discretionary
Rule 1.1102 Rule 1.1103 Rule 1.1104 Rule 1.1105 Rule 1.1106	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc Before or after breach Fiduciaries, beneficiaries and others Discretionary Supplemental relief
Rule 1.1102 Rule 1.1103 Rule 1.1104 Rule 1.1105 Rule 1.1106 Rule 1.1107	DECLARATORY JUDGMENTS Declaratory judgments permitted Construing contracts, etc Before or after breach Fiduciaries, beneficiaries and others Discretionary Supplemental relief Review

Reserved

DIVISION XII

Rules 1.1201 to 1.1300 Reserved

Rules 1.1110 to 1.1200

DIVISION XIII QUO WARRANTO

Rule 1.1301	For what causes
Rule 1.1302	By whom brought
Rule 1.1303	No joinder or counterclaim
Rule 1.1304	Petition
Rule 1.1305	Judgment
Rule 1.1306	Costs
Rule 1.1307	Corporation dissolved
Rules 1.1308 to 1.1400	Reserved

DIVISION XIV CERTIORARI

Rule 1.1401	Certiorari petition
Rule 1.1402	Procedure
Rule 1.1403	Other remedies
Rule 1.1404	The writ
Rule 1.1405	Stay, bond
Rule 1.1406	Notice of issuing writ
Rule 1.1407	Service of writ
Rule 1.1408	Return to writ, by whom
Rule 1.1409	Defective return
Rule 1.1410	Hearing
Rule 1.1411	Judgment
Rule 1.1412	Appeal
Rules 1.1413 to 1.1500	Reserved

DIVISION XV INJUNCTIONS

Rule 1.1501	Independent or auxiliary remedy
Rule 1.1502	Temporary; when allowed
Rule 1.1503	Endorsing refusal
Rule 1.1504	Statement re prior presentation

Rule 1.1505	Place for filing
Rule 1.1506	By whom granted
Rule 1.1507	Notice
Rule 1.1508	Bond
Rule 1.1509	Hearing to dissolve temporary injunction
Rule 1.1510	Enjoining proceedings or judgment; venue; bond
Rule 1.1511	Violation as contempt
Rules 1.1512 to 1.1600	Reserved

DIVISION XVI PROCEEDINGS FOR JUDICIAL REVIEW OF AGENCY ACTION

Rule 1.1601	Applicability of rules
Rule 1.1602	Time for motion or answer
Rule 1.1603	Contested case proceedings; intervention; schedule
Rules 1 1604 to 1 1700	Reserved

DIVISION XVII SUBPOENAS

Rule 1.1701	Subpoena
Rule 1.1702	Uniform interstate depositions and discovery
Rules 1.1703 to 1.1800	Reserved

DIVISION XVIII RULES OF A GENERAL NATURE

DIVISION XIX

FORMS			
Rule 1.1901	Forms		
	Form 1:	Form of Original Notice for Personal Service	
	Form 2:	Form of Original Notice Against a Nonresident Motor	
		Vehicle Owner or Operator Under Iowa Code Section	
		321.500	
	Form 3:	Form of Original Notice Against Foreign Corporation or	
		Nonresident Under Iowa Code Section 617.3	
	Form 4:	Form of Original Notice for Publication	
	Form 5:	Directions for Service of Original Notice	
	Form 6:	Final Pretrial Order	
	Form 7:	Dissolution of Marriage Affidavit of Financial Status	
	Form 8:	Financial Affidavit and Application for Appointment of Counsel	
	Form 8A:	Order for Appointment of Counsel	
	Form 9:	Financial Affidavit of Parent and Application for Appointment of Counsel for \square Child \square Parent \square Other	
	Form 9A:	Order for Appointment of Counsel for \square Child \square Parent \square Other	
	Form 10:	Form of Notice of Intent to File Written Application for Default	
	Form 11:	Petition for Termination of Parental Rights and Child Support Obligation	

Form 12:	Court Reporter Memorandum and Certificate		
Form 13:	Subpoena Form to Testify at Deposition or Produce		
	Documents		
Form 14:	Subpoena Form to Testify at Hearing or Trial		
Form 15:	Subpoena Form to Produce Documents or Permit		
	Inspection		
Form 16:	Expedited Civil Action Certification		
Form 17:	Alternative Expedited Civil Action Certification		
Form 18:	Joint Motion to Proceed as an Expedited Civil Action		
Form 19:	Health Care Provider Statement in Lieu of Testimony		

CHAPTER 1 RULES OF CIVIL PROCEDURE

DIVISION IOPERATION OF RULES

Rule 1.101 Applicability; statutes affected. The rules in this chapter shall govern the practice and procedure in all courts of the state, except where they expressly provide otherwise or statutes not affected hereby provide different procedure in particular courts or cases. [Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.102 to 1.200 Reserved.

DIVISION II

ACTIONS, JOINDER OF ACTIONS AND PARTIES

A. PARTIES GENERALLY; CAPACITY

Rule 1.201 Real party in interest. Every action must be prosecuted in the name of the real party in interest. But an executor, administrator, conservator, guardian, trustee of an express trust, or a party with whom or in whose name a contract is made for another's benefit, or a party specially authorized by statute may sue in that person's own name without joining the party for whose benefit the action is prosecuted. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.202 Public bond. When a bond or other instrument given to the state, county, school or other municipal corporation, or to any officer or person, is intended for the security of the public generally, or of particular individuals, action may be brought thereon, in the name of any person intended to be thus secured, who has sustained an injury in consequence of a breach thereof, except when otherwise provided.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.203 Partnerships. Actions may be brought by or against partnerships as such; or, where permitted by law, against any or all partners with or without joining the firm. Judgment against a partnership may be enforced against partnership property and that of any partner served or appearing in the suit. A new action will lie on the original cause against any partner not so served or appearing. The court may order absent partners brought in.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.204 Foreign corporations. Foreign corporations may sue and be sued in their corporate name, except as prohibited by statute.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.205 Assignees; exception. In cases not governed by the uniform commercial code the assignment of a thing in action shall be without prejudice to any defense, counterclaim or claim matured or not, if matured when pleaded, existing against the assignor in favor of the party pleading it.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.206 Injury or death of a minor. A parent, or the parents, may sue for the expense and actual loss of services, companionship and society resulting from injury to or death of a minor child. [Report 1943; amendment 1973; November 9, 2001, effective February 15, 2002]

Rule 1.207 Actions by and against state. The state may sue in the same way as an individual. No security shall be required of it.

[Report 1943; amendment 1974; November 9, 2001, effective February 15, 2002]

Rule 1.208 Married persons. A married person may sue or be sued without joining the person's spouse. If both are sued, each may defend; and if one fails to defend, the other may defend for both. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.209 Desertion of family. When a husband or wife deserts the family, the other may prosecute or defend any action which either might have prosecuted or defended, and shall have the same powers and rights therein as either might have had.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.210 Minors; incompetents. An action of a minor or any person adjudged incompetent shall be brought by the person's conservator if there is one or, if not, by the person's guardian if there is one; otherwise the minor may sue by a next friend, and the incompetent by a conservator or guardian appointed by the court for that purpose. If it is in the person's best interest, the court may dismiss such action or substitute another conservator, guardian or next friend.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.211 Defense by incompetent, prisoner, etc. No judgment without a defense shall be entered against a party then a minor, or confined in a penitentiary, reformatory or any state hospital for the mentally ill, or one adjudged incompetent, or whose physician certifies to the court that the party appears to be mentally incapable of conducting a defense. Such defense shall be by guardian ad litem; but the conservator (and if there is no conservator, the guardian) of a ward or the attorney appearing for a competent party may defend unless the proceeding was brought by or on behalf of such fiduciary or unless the court supersedes such fiduciary by a guardian ad litem appointed in the ward's interest.

[Report 1943; amended by 58GA, ch 152, §199; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.212 Guardian ad litem. If a party served with original notice appears to be subject to rule 1.211, the court may appoint a guardian ad litem for the party, or substitute another, in the ward's interest. Application for such appointment or substitution may be by the ward, if competent, or a minor over 14 years old; otherwise by the party's conservator or guardian or, if none, by any friend or any party to the action.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.213 to 1.220 Reserved.

B. SUBSTITUTION OF PARTIES

Rule 1.221 Substitution at death; limitation. Any substitution of legal representatives or successors in interest of a deceased party, permitted by statute, must be ordered within two years after the death of the original party. If the decedent's right survives entirely to those already parties, the action shall continue among the surviving parties without substitution.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.222 Transfer of interest. Transfer of an interest in a pending action shall not abate it, but may be the occasion for bringing in new parties.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.223 Incapacity pending action. If, during pendency of an action, a party is adjudged incompetent or confined in any state hospital for the mentally ill or if the party's physician certifies to the court that the party appears to be mentally incapable of acting in the party's own behalf, the conservator or guardian shall be joined or if there is none, the court shall appoint a guardian ad litem for the party.

[Report 1943; amended by 58GA, ch 152, §200; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.224 Nonabatement in case of guardianship. When a conservatorship or guardianship ceases for any reason, any action or proceeding then pending shall not abate. The conservator's or guardian's successor, the former ward, or the personal representative of the ward's estate shall be substituted or joined as a party. If no application is made for substitution, the court on its own motion may appoint a personal representative to represent the deceased party in the action.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.225 Majority of minor. A minor party who attains legal majority shall continue as a party in that person's own right.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.226 Officers; representatives. When any public official or other person in a representative capacity ceases to be such while a party to a suit, the court may order that party's successor brought in and substituted.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.227 Notice to substituted party. The order for substitution shall fix the time for the substituted party to appear, and the notice to be given. In case of substitution of a legal representative of a deceased party, notice shall be given in the same manner as an original notice.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.228 to 1.230 Reserved.

C. JOINDER; MISJOINDER AND NONJOINDER

Rule 1.231 Actions joined. A single plaintiff may join in the same petition as many causes of action, legal or equitable, independent or alternative, as there are against a single defendant. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.232 Multiple plaintiffs. Any number of persons who claim any relief, jointly, severally or alternatively, arising out of or respecting the same transaction, occurrence or series of transactions or occurrences, may join as plaintiffs in a single action, when it presents or involves any question of law or fact common to all of them. They may join any causes of action, legal or equitable, independent or alternative, held by any one or more of them which arise out of such transaction, occurrence or series, and which present or involve any common question of law or fact.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.233 Permissive joinder of defendants. Any number of defendants may be joined in one action which asserts against them, jointly, severally or in the alternative, any right to relief in respect of, or arising out of the same transaction, occurrence, or series of transactions or occurrences, when any question of law or fact common to all of them is presented or involved. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.234 Necessary parties; joinder.

- **1.234(1)** Remedy for nonjoinder as plaintiff. Except as provided in this rule, all persons having a joint interest in any action shall be joined on the same side, but such persons failing to join as plaintiffs may be made defendants. This rule does not apply to class actions under rules 1.261 to 1.279, nor affect the options permitted by Iowa Code sections 613.1 and 613.2.
- **1.234(2)** Definition of indispensable party. A party is indispensable if the party's interest is not severable, and the party's absence will prevent the court from rendering any judgment between the parties before it; or if notwithstanding the party's absence the party's interest would necessarily be inequitably affected by a judgment rendered between those before the court.
- 1.234(3) Indispensable party not before court. If an indispensable party is not before the court, it shall order the party brought in. When persons are not before the court who, although not indispensable, ought to be parties if complete relief is to be accorded between those already parties, and when necessary jurisdiction can be obtained by service of original notice in any manner provided by the rules in this chapter or by statute, the court shall order their names added as parties and original notice served upon them. If such jurisdiction cannot be had except by their consent or

voluntary appearance, the court may proceed with the hearing and determination of the cause, but the judgment rendered therein shall not affect their rights or liabilities.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.235 Parties partly interested. A party need not be interested in obtaining or defending against all the relief demanded. Judgment may be given respecting one or more parties according to their respective rights or liabilities.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.236 Remedy for misjoinder.

1.236(1) *Parties.* Misjoinder of parties is no ground for dismissal of the action, but parties may be dropped, or aligned according to their true interests in the action, by order of the court on its own motion or that of any party at any stage of the action, on such terms as are just; or any claim against a party improperly joined may be severed and proceeded with separately.

COMMENT: Rule 1.236(1) is very similar to Fed. R. Civ. P. 21. While neither rule provides expressly for realignment of parties, and no case law exists in Iowa on the authority of a court to realign parties, federal courts have interpreted Fed. R. Civ. P. 21 to allow realignment of parties according to their true interests. See First National Bank of Shawnee Mission v. Roland Park State Bank, 357 F. Supp. 708, 711 (D. Kan. 1973); Wright, Miller & Kain, Federal Practice and Procedure, Civil 2d, § 1683, at 448 (1986); 3A Moore's Federal Practice, ¶ 21.02, at 21-23 (1993).

1.236(2) Actions. The only remedy for improper joinder of actions shall be by motion. On such motion the court shall either order the causes docketed separately or strike those causes which should be stricken, always retaining at least one cause docketed in the original case. Before ruling on such motion, the party whose pleading is attacked may withdraw any of the causes claimed to be misjoined. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.237 Dependent remedies joined. An action heretofore cognizable only after another has been prosecuted to conclusion may be joined with the latter; and the court shall grant relief according to the substantive rights of the parties. But there shall be no joinder of an action against an indemnitor or insurer with one against the indemnified party, unless a statute so provides. [Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.238 to 1.240 Reserved.

D. COUNTERCLAIMS AND CROSS-CLAIMS

Rule 1.241 Compulsory counterclaims. A pleading must contain a counterclaim for every claim then matured, and not the subject of a pending action, held by the pleader against any opposing party and arising out of the transaction or occurrence that is the basis of such opposing party's claim, unless its adjudication would require the presence of indispensable parties of whom jurisdiction cannot be acquired. A final judgment on the merits shall bar such a counterclaim, although not pleaded. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.242 Permissive counterclaims. Unless prohibited by rule or statute, a party may counterclaim against an opposing party on any claim held by the party when the action was originally

commenced and matured when pleaded.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.243 Joinder of counterclaims. A party pleading a counterclaim shall have the same right to join more than one claim as a plaintiff is granted under rules 1.231 and 1.232.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.244 Counterclaim not limited. A counterclaim may, but need not, diminish or defeat recovery sought by the opposing party. It may claim relief in excess of, or different from, that sought in the opponent's pleadings.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.245 Cross-claim against coparty. A pleading may state as a cross-claim any claim by one party against a coparty arising out of the transaction or occurrence that is the subject matter either of the original action or a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted

is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.

[Report 1943; amendment 1973; amendment 1976; November 9, 2001, effective February 15, 2002]

Rule 1.246 Third-party practice.

1.246(1) When defendant may bring in third party. At any time after commencement of the action a defending party, as a third-party plaintiff, may file a cross-petition and cause an original notice to be served upon a person not a party to the action who is or may be liable for all or part of the plaintiff's claim. The third-party plaintiff need not obtain leave to file the cross-petition if it is filed not later than ten days after the filing of the original answer. Otherwise leave may be obtained by motion upon notice to all parties to the action.

The third-party defendant shall assert defenses to the third-party plaintiff's claim as provided in rule 1.441 and counterclaims against the third-party plaintiff as provided in rule 1.241 and cross-claims against other third-party defendants as provided in rule 1.245.

The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the plaintiff shall assert defenses as provided in rule 1.441 and counterclaims under rule 1.241.

The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert defenses as provided in rule 1.441, counterclaims as provided in rule 1.241, and cross-claims as provided in rule 1.245. Any party may move to strike the third-party claim or for its severance or for separate trial. A third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable for all or part of the claim made in the action against the third-party defendant.

1.246(2) When plaintiff may bring in third party. When a counterclaim is asserted against a plaintiff, that plaintiff may cause a third party to be brought in under circumstances which under this rule would entitle a defendant to do so.

[Report 1943; amendment 1973; amended by 65GA, ch 315, §1; May 27, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.247 to 1.250 Reserved.

E. INTERPLEADER

Rule 1.251 Right of interpleader. A person who is or may be exposed to multiple liability or vexatious litigation because of several claims against the person for the same thing, may bring an equitable action of interpleader against all such claimants. Their claims or titles need not have a common origin, nor be identical, and may be adverse to, or independent of each other. Such person may dispute liability, wholly or in part.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.252 By defendants. A defendant to an action exposed to similar liability or litigation may obtain interpleader by counterclaim or cross-petition. Any claimant not already before the court may be brought in to maintain or relinquish that claim to the subject of the action, and on default after due service, the court may decree such claim barred.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.253 Deposit; discharge. If a party initiating interpleader admits liability for, or nonownership of, any property or amount involved, the court may order it deposited in court or otherwise preserved or secured by bond. After such deposit the court, on hearing all parties, may absolve the depositor from obligation to such parties as to the property or amount deposited, before determining the rights of the adverse claimants.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.254 Substitution of claimant. If a defendant seeks an interpleader involving a third person, the latter may appear and be substituted for the original defendant, who may then be discharged upon complying with rule 1.253.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.255 Injunction. After petition and returns of the original notices are filed in an interpleader, the court may enjoin all parties before it from beginning or prosecuting any other suit as to the subject of the interpleader until its further order.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.256 Costs. Costs may be taxed against the unsuccessful claimant in favor of the successful claimant and the party initiating the interpleader.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.257 Sheriff or officer; creditor. When a sheriff or other officer is sued for taking personal property under a writ, or for the property so taken, such writ may be filed with the court, with an attached affidavit from the sheriff or other officer that the property involved was taken under the writ. The plaintiff shall then join the attaching or execution creditor as a defendant, or such creditor may join on application. Any judgment against the officer and creditor shall provide that the creditor's property be first exhausted to satisfy the judgment.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.258 to 1.260 Reserved.

F. CLASS ACTIONS

- **Rule 1.261** Commencement of a class action. One or more members of a class may sue or be sued as representative parties on behalf of all in a class action if both of the following occur:
- **1.261(1)** The class is so numerous or so constituted that joinder of all members, whether or not otherwise required or permitted, is impracticable.
- **1.261(2)** There is a question of law or fact common to the class. [Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.262 Certification of class action.

- 1.262(1) Unless deferred by the court, as soon as practicable after the commencement of a class action the court shall hold a hearing and determine whether or not the action is to be maintained as a class action and by order certify or refuse to certify it as a class action.
 - 1.262(2) The court may certify an action as a class action if it finds all of the following:
 - a. The requirements of rule 1.261 have been satisfied.
 - b. A class action should be permitted for the fair and efficient adjudication of the controversy.
 - c. The representative parties fairly and adequately will protect the interests of the class.
 - **1.262(3)** If appropriate, the court may do any of the following:
 - a. Certify an action as a class action with respect to a particular claim or issue.
- b. Certify an action as a class action to obtain one or more forms of relief, equitable, declaratory, or monetary.
- c. Divide a class into subclasses and treat each subclass as a class. [Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.263 Criteria considered.

- **1.263(1)** In determining whether the class action should be permitted for the fair and efficient adjudication of the controversy, as appropriately limited under rule 1.262(3), the court shall consider and give appropriate weight to the following and other relevant factors:
 - a. Whether a joint or common interest exists among members of the class.
- b. Whether the prosecution of separate actions by or against individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for a party opposing the class.

- c. Whether adjudications with respect to individual members of the class as a practical matter would be dispositive of the interests of other members not parties to the adjudication or substantially impair or impede their ability to protect their interests.
- d. Whether a party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making final injunctive relief or corresponding declaratory relief appropriate with respect to the class as a whole.
- e. Whether common questions of law or fact predominate over any questions affecting only individual members.
 - f. Whether other means of adjudicating the claims and defenses are impracticable or inefficient.
- g. Whether a class action offers the most appropriate means of adjudicating the claims and defenses.
- *h.* Whether members who are not representative parties have a substantial interest in individually controlling the prosecution or defense of separate actions.
- *i*. Whether the class action involves a claim that is or has been the subject of a class action, a government action, or other proceeding.
 - j. Whether it is desirable to bring the class action in another forum.
 - k. Whether management of the class action poses unusual difficulties.
 - l. Whether any conflict of laws issues involved pose unusual difficulties.
- m. Whether the claims of individual class members are insufficient in the amounts or interests involved, in view of the complexities of the issues and the expenses of the litigation, to afford significant relief to the members of the class.
- **1.263(2)** In determining under rule 1.262(2) that the representative parties fairly and adequately will protect the interests of the class, the court must find all of the following:
 - a. The attorney for the representative parties will adequately represent the interests of the class.
- b. The representative parties do not have a conflict of interest in the maintenance of the class action.
- c. The representative parties have or can acquire adequate financial resources, considering rule 1.276, to ensure that the interests of the class will not be harmed. [Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.264 Order on certification.

- 1.264(1) The order of certification shall describe the class and state the following:
- a. The relief sought.
- b. Whether the action is maintained with respect to particular claims or issues.
- c. Whether subclasses have been created.
- **1.264(2)** The order certifying or refusing to certify a class action shall state the reasons for the court's ruling and its findings on the facts listed in rule 1.263(1).
 - 1.264(3) An order certifying or refusing to certify an action as a class action is appealable.
- **1.264(4)** Refusal of certification does not terminate the action, but does preclude it from being maintained as a class action.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.265 Amendment of certification order.

- **1.265(1)** The court may amend the certification order at any time before entry of judgment on the merits. The amendment may do the following:
 - a. Establish subclasses.
 - b. Eliminate from the class any member who was included in the class as certified.
 - c. Provide for an adjudication limited to certain claims or issues.
 - d. Change the relief sought.
 - e. Make any other appropriate change in the order.
- **1.265(2)** If notice of certification has been given pursuant to rule 1.266, the court may order notice of the amendment of the certification order to be given in terms and to any members of the class the court directs.
- **1.265(3)** The reasons for the court's ruling shall be set forth in the amendment of the certification order.

1.265(4) An order amending the certification order is appealable. An order denying the motion of a member of a defendant class, not a representative party, to amend the certification order is appealable if the court certifies it for immediate appeal.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.266 Notice of action.

- 1.266(1) Following certification the court, by order after hearing, shall direct the giving of notice to the class.
- **1.266(2)** The notice, based on the certification order and any amendment of the order, shall include all of the following:
- a. A general description of the action, including the relief sought, and the names and addresses of the representative parties.
- b. A statement of the right of a member of the class under rule 1.267 to be excluded from the action by filing an election to be excluded, in the manner specified, by a certain date.
 - c. A description of possible financial consequences on the class.
- d. A general description of any counterclaim being asserted by or against the class, including the relief sought.
- e. A statement that the judgment, whether favorable or not, will bind all members of the class who are not excluded from the action.
- f. A statement that any member of the class may enter an appearance either personally or through counsel.
 - g. An address to which inquiries may be directed.
 - h. Other information the court deems appropriate.
- **1.266(3)** The order shall prescribe the manner of notification to be used and specify the members of the class to be notified. In determining the manner and form of the notice to be given, the court shall consider the interests of the class, the relief requested, the cost of notifying the members of the class, and the possible prejudice to members who do not receive notice.
- **1.266(4)** Each member of the class, not a representative party, whose potential monetary recovery or liability is estimated to exceed \$100 shall be given personal or mailed notice if that member's identity and whereabouts can be ascertained by the exercise of reasonable diligence.
- **1.266(5)** For members of the class not given personal or mailed notice under rule 1.266(4), the court shall provide, as a minimum, a means of notice reasonably calculated to apprise the members of the class of the pendency of the action. Techniques calculated to ensure effective communication of information concerning commencement of the action shall be used. The techniques may include personal or mailed notice, notification by means of newspaper, television, radio, posting in public or other places, and distribution through trade, union, public interest, or other appropriate groups.
- **1.266(6)** The plaintiff shall advance the expense of notice under this rule if there is no counterclaim asserted. If a counterclaim is asserted the expense of notice shall be allocated as the court orders in the interest of justice.
- **1.266(7)** The court may order that steps be taken to minimize the expense of notice. [Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.267 Exclusion.

- **1.267(1)** A member of a plaintiff class may elect to be excluded from the action unless any of the following occur:
 - a. The member is a representative party.
 - b. The certification order contains an affirmative finding under rule 1.263(1)(a), (b), or (c).
- c. A counterclaim under rule 1.270 is pending against the member or that member's class or subclass.
- **1.267(2)** Any member of a plaintiff class entitled to be excluded under rule 1.267(1) who files an election to be excluded, in the manner and in the time specified in the notice, is excluded from and not bound by the judgment in the class action.
 - **1.267(3)** The elections shall be made a part of the record in the action.
- **1.267(4)** A member of a defendant class may not elect to be excluded. [Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.268 Conduct of action.

- **1.268(1)** The court on motion of a party or its own motion may make or amend any appropriate order dealing with the conduct of the action including, but not limited to, any of the following:
- a. Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument.
- b. Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given as the court directs, of the following:
 - (1) Any step in the action.
 - (2) The proposed extent of the judgment.
- (3) The opportunity of members to signify whether they consider the representation fair and adequate, to enter an appearance and present claims or defenses, or otherwise participate in the action.
 - c. Imposing conditions on the representative parties or on intervenors.
- d. Inviting the attorney general to participate with respect to the question of adequacy of class representation.
- e. Making any other order to ensure that the class action proceeds only with adequate class representation.
- f. Making any order to ensure that the class action proceeds only with competent representation by the attorney for the class.
- **1.268(2)** A class member who is not a representative party may appear and be represented by separate counsel.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.269 Discovery by or against class members.

- **1.269(1)** Discovery may be used only on order of the court against a member of the class who is not a representative party or who has not appeared. In deciding whether discovery should be allowed the court shall consider, among other relevant factors, the timing of the request, the subject matter to be covered, whether representatives of the class are seeking discovery on the subject to be covered, and whether the discovery will result in annoyance, oppression, or undue burden or expense for the member of the class.
- **1.269(2)** Discovery by or against representative parties or those appearing is governed by the rules dealing with discovery by or against a party to a civil action. [Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.270 Counterclaims.

- 1.270(1) A defendant in an action brought by a class may plead as a counterclaim any claim the court certifies as a class action against the plaintiff class. On leave of court, the defendant may plead as a counterclaim a claim against a member of the class or a claim the court certifies as a class action against a subclass.
- **1.270(2)** Any counterclaim in an action brought by a plaintiff class must be asserted before notice is given under rule 1.266.
- 1.270(3) If a judgment for money is recovered against a party on behalf of a class, the court rendering judgment may stay distribution of any award or execution of any portion of a judgment allocated to a member of the class against whom the losing party has pending an action in or out of state for a judgment for money, and continue the stay so long as the losing party in the class action pursues the pending action with reasonable diligence.
- 1.270(4) A defendant class may plead as a counterclaim any claim on behalf of the class that the court certifies as a class action against the plaintiff. The court may certify as a class action a counterclaim against the plaintiff on behalf of a subclass or permit a counterclaim by a member of the class. The court shall order that notice of the counterclaim by the class, subclass, or member of the class be given to the members of the class as the court directs, in the interest of justice.
- **1.270(5)** A member of a class or subclass asserting a counterclaim shall be treated as a member of a plaintiff class for the purpose of exclusion under rule 1.267.
- **1.270(6)** The court's refusal to allow, or the defendant's failure to plead, a claim as a counterclaim in a class action does not bar the defendant from asserting the claim in a subsequent action. [Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.271 Dismissal or compromise.

- **1.271(1)** Unless certification has been refused under rule 1.262, a class action, without the approval of the court after hearing, may not be:
 - a. Dismissed voluntarily.
 - b. Dismissed involuntarily without an adjudication on the merits.
 - c. Compromised.
- **1.271(2)** If the court has certified the action under rule 1.262, notice of hearing on the proposed dismissal or compromise shall be given to all members of the class in a manner the court directs. If the court has not ruled on certification, notice of hearing on the proposed dismissal or compromise may be ordered by the court which shall specify the persons to be notified and the manner in which notice is to be given.
- **1.271(3)** Notice given under rule 1.271(2) shall include a description of the procedure available for modification of the dismissal or compromise and a full disclosure of the reasons for the dismissal or compromise including, but not limited to, the following:
 - a. Any payments made or to be made in connection with the dismissal or compromise.
 - b. The anticipated effect of the dismissal or compromise on the class members.
 - c. Any agreement made in connection with the dismissal or compromise.
 - d. A description and evaluation of alternatives considered by the representative parties.
 - e. An explanation of any other circumstances giving rise to the proposal.
 - 1.271(4) On the hearing of the dismissal or compromise, the court may do any of the following:
- a. As to the representative parties or a class certified under rule 1.262, permit dismissal with or without prejudice or approve the compromise.
 - b. As to a class not certified, permit dismissal without prejudice.
 - c. Deny the dismissal.
 - d. Disapprove the compromise.
 - e. Take other appropriate action for the protection of the class and in the interest of justice.
- **1.271(5)** The cost of notice given under rule 1.271(2) shall be paid by the party seeking dismissal, or as agreed in case of a compromise, unless the court after a hearing orders otherwise. [Report 1980; November 9, 2001, effective February 15, 2002]
- **Rule 1.272** Effect of judgment on class. In a class action certified under rule 1.262 in which notice has been given under rule 1.266 or 1.271, a judgment as to the claim or particular claim or issue certified is binding, according to its terms, on any member of the class who has not filed an election of exclusion under rule 1.267. The judgment shall name or describe the members of the class who are bound by its terms.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.273 Costs.

- **1.273(1)** Only the representative parties and those members of the class who have appeared individually are liable for costs assessed against a plaintiff class.
 - 1.273(2) The court shall apportion the liability for costs assessed against a defendant class.
- **1.273(3)** Expenses of notice advanced under rule 1.266 are taxable as costs in favor of the prevailing party.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.274 Relief afforded.

- **1.274(1)** The court may award any form of relief consistent with the certification order to which the party in whose favor it is rendered is entitled including equitable, declaratory, monetary, or other relief to individual members of the class or the class in a lump sum or installments.
- **1.274(2)** Damages fixed by a minimum measure of recovery provided by any statute may not be recovered in a class action.
- **1.274(3)** If a class is awarded a judgment for money, the distribution shall be determined as follows:
- a. The parties shall list as expeditiously as possible all members of the class whose identity can be determined without expending a disproportionate share of the recovery.
- b. The reasonable expense of identification and distribution shall be paid, with the court's approval, from the funds to be distributed.
 - c. The court may order steps taken to minimize the expense of identification.

- d. The court shall supervise, and may grant or stay the whole or any portion of, the execution of the judgment and the collection and distribution of funds to the members of the class as their interests warrant.
- e. The court shall determine what amount of the funds available for the payment of the judgment cannot be distributed to members of the class individually because they could not be identified or located or because they did not claim or prove the right to money apportioned to them. The court after a hearing shall distribute that amount, in whole or in part, to one or more states as unclaimed property or to the defendant or to the Iowa Supreme Court Lawyer Trust Account Commission.
- f. In determining the amount, if any, to be distributed to a state or to the defendant, the court shall consider the following criteria:
 - (1) Any unjust enrichment of the defendant.
 - (2) The willfulness or lack of willfulness on the part of the defendant.
 - (3) The impact on the defendant of the relief granted.
 - (4) The pendency of other claims against the defendant.
 - (5) Any criminal sanction imposed on the defendant.
 - (6) The loss suffered by the plaintiff class.
- g. The court, in order to remedy or alleviate any harm done, may impose conditions respecting the use of the money distributed to the defendant.
- h. Any amount to be distributed to a state shall be distributed as unclaimed property to any state in which are located the last-known addresses of the members of the class to whom distribution could not be made. If the last-known addresses cannot be ascertained with reasonable diligence, the court may determine by other means what portion of the unidentified or unlocated members of the class were residents of a state. A state shall receive that portion of the distribution that its residents would have received had they been identified and located. Before entering an order distributing any part of the amount to a state, the court shall give written notice of its intention to make distribution to the attorney general of the state of the residence of any person given notice under rule 1.266 or 1.271 and shall afford the attorney general an opportunity to move for an order requiring payment to the state. [Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rule 1.275 Attorney's fees.

- 1.275(1) Attorney's fees for representing a class are subject to control of the court.
- **1.275(2)** If under an applicable provision of law a defendant or defendant class is entitled to attorney's fees from a plaintiff class, only representative parties and those members of the class who have appeared individually are liable for those fees. If a plaintiff is entitled to attorney's fees from a defendant class, the court may apportion the fees among the members of the class.
- **1.275(3)** If a prevailing class recovers a judgment for money or other award that can be divided for the purpose, the court may order reasonable attorney's fees and litigation expenses of the class to be paid from the recovery.
- 1.275(4) If the prevailing class is entitled to declaratory or equitable relief, the court may order the adverse party to pay to the class its reasonable attorney's fees and litigation expenses, if permitted by law in similar cases not involving a class, or the court finds that the judgment has vindicated an important public interest. However, if any monetary award is also recovered, the court may allow reasonable attorney's fees and litigation expenses only to the extent that a reasonable proportion of that award is insufficient to defray the fees and expenses.
- **1.275(5)** In determining the amount of attorney's fees for a prevailing class the court shall consider all of the following factors:
- a. The time and effort expended by the attorney in the litigation, including the nature, extent, and quality of the services rendered.
 - b. Results achieved and benefits conferred upon the class.
 - c. The magnitude, complexity, and uniqueness of the litigation.
 - d. The contingent nature of success.
- e. In cases awarding attorney's fees and litigation expenses under rule 1.275(4) because of the vindication of an important public interest, the economic impact on the party against whom the award is made.
- f. Appropriate criteria in the Iowa Rules of Professional Conduct. [Report 1980; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 1.276 Arrangements for attorney's fees and expenses.

- **1.276(1)** Before a hearing under rule 1.262(1) or at any other time the court directs, the representative parties and the attorney for the representative parties shall file with the court, jointly or separately, all of the following:
- a. A statement showing any amount paid or promised them by any person for the services rendered or to be rendered in connection with the action or for the costs and expenses of the litigation and the source of all of the amounts.
- b. A copy of any written agreement, or a summary of any oral agreement, between the representative parties and their attorney concerning financial arrangements or fees.
- c. A copy of any written agreement, or a summary of any oral agreement, by the representative parties or the attorney to share these amounts with any person other than a member, regular associate, or an attorney regularly of counsel with that law firm.

This statement shall be supplemented promptly if additional arrangements are made.

1.276(2) Upon a determination that the costs and litigation expenses of the action cannot reasonably and fairly be defrayed by the representative parties or by other available sources, the court by order may authorize and control the solicitation and expenditure of voluntary contributions for this purpose from members of the class, advances by the attorneys or others, or both, subject to reimbursement from any recovery obtained for the class. The court may order any available funds so contributed or advanced to be applied to the payment of any costs taxed in favor of a party opposing the class.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- **Rule 1.277 Statute of limitations.** The statute of limitations is tolled for all class members upon the commencement of an action asserting a class action. The statute of limitations resumes running against a member of a class:
 - **1.277(1)** Upon filing an election of exclusion by that member.
- **1.277(2)** Upon entry of an order of certification, or of an amendment thereof, eliminating that member from the class.
- **1.277(3)** Except as to representative parties, upon entry of an order under rule 1.262 refusing to certify an action as a class action.
 - 1.277(4) Upon dismissal of the action without an adjudication on the merits.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002] COMMENT: Former Iowa R. Civ. P. 42.6 was stricken in order to eliminate its restriction on personal jurisdiction over nonresident class members, and to permit exercise of jurisdiction over nonresident class members to the extent permitted by the U.S. and state constitutions as interpreted by the courts. Former Iowa Rs. Civ. P. 42.19 and 42.20 were stricken because the Model Act has been adopted in only two states.

Rule 1.278 Virtual representation. Where persons composing a class which may be increased by others later born, do or may make a claim affecting specific property involved in an action to which all living members of the class are parties, any others later born shall also be deemed to have been parties to the action and bound by any decree rendered therein. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.279 Shareholder's actions. Shareholders in an incorporated or unincorporated association, who sue to enforce its rights because of its failure to do so, shall support their petition by affidavit, and allege their efforts to have the directors, trustees or other shareholders bring the action or enforce the right, or a sufficient reason for not making such effort.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.280 Reserved.

G. EXPEDITED CIVIL ACTIONS

Rule 1.281 Expedited civil actions.

1.281(1) *General provisions.*

a. Eligible actions. Rule 1.281 governs "expedited civil actions" in which the sole relief sought is a money judgment and in which all claims (other than compulsory counterclaims) for all damages by or against any one party total \$75,000 or less, including damages of any kind, penalties, prefiling interest,

and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs.

- b. Excluded actions. Rule 1.281 does not apply to small claims or domestic relations cases.
- c. Electing expedited procedures. Eligible plaintiffs can elect to proceed as an expedited civil action by certifying that the sole relief sought is a money judgment and that all claims (other than compulsory counterclaims) for all damages by or against any one party total \$75,000 or less, including damages of any kind, penalties, prefiling interest, and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs. The certification must be on a form approved by the supreme court and signed by all plaintiffs and their attorneys if represented. Eligible plaintiffs must file the certification before the discovery conference deadline under rule 1.507(1). The certification is not admissible to prove a plaintiff's damages in the expedited civil action or in any other proceeding.
- d. Iowa Rules of Civil Procedure otherwise apply. Except as otherwise specifically provided by this rule, the Iowa Rules of Civil Procedure are applicable to expedited civil actions. Iowa Court Rule 23.5—Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action must be used for expedited civil actions in lieu of Form 2 of rule 23.5.
- e. Limitation on damages. Except as provided in rule 1.281(1)(f), a party proceeding under rule 1.281 may not recover a judgment in excess of \$75,000, nor may a judgment be entered against a party in excess of \$75,000, excluding prejudgment interest that accrues after the filing date, postjudgment interest, and costs. The jury, if any, must not be informed of the \$75,000 limitation. If the jury returns a verdict for damages in excess of \$75,000 for or against a party, the court may not enter judgment on that verdict in excess of \$75,000, exclusive of prejudgment interest that accrues after the filing date, postjudgment interest, and costs.
- f. Stipulated expedited civil action. In a civil action not eligible under rule 1.281(1)(a) and not excluded by rule 1.281(1)(b), the parties may request to proceed as an expedited civil action upon the parties' filing of a Joint Motion to Proceed as an Expedited Civil Action. If the court grants the parties' motion, and unless the parties have otherwise agreed, the parties will not be bound by the \$75,000 limitation on judgments in rule 1.281(1)(e). The parties may enter into additional stipulations regarding damages and attorney fees. Unless otherwise ordered, the joint motion and any stipulations must not be disclosed to the jury.
- g. Termination of expedited civil action. Upon timely application of any party, the court may terminate application of this rule and enter such orders as are appropriate under the circumstances if:
- (1) The moving party makes a specific showing of substantially changed circumstances sufficient to render the application of this rule unfair; or
- (2) A party has in good faith filed a compulsory counterclaim that seeks relief other than that allowed under rule 1.281(1)(a).
- h. Permissive counterclaims. Permissive counterclaims are subject to the \$75,000 limitation on damages under rule 1.281(1)(e), unless the court severs the permissive counterclaim.
- *i. Side.* As used throughout rule 1.281, the term "side" refers to all the litigants with generally common interests in the litigation.

COMMENT:

Rule 1.281(1)(a). The rule provides that absent stipulation, a single party in an expedited civil action cannot recover more than \$75,000 or be liable for more than \$75,000. A single party could obtain a damage verdict in excess of \$75,000, so long as the final judgment in the proceeding in favor of that party (after apportionment of fault and offsets for any settlements and exclusive of prejudgment interest, postjudgment interest, and costs) does not exceed \$75,000.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(1)(c). Rule 1.1901 provides the Expedited Civil Action Certificate for eligible plaintiffs to complete. [Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(1)(g). If the judgment in an expedited civil action is reversed and remanded on appeal, the case remains subject to rule 1.281 on remand, unless the trial court, upon motion, terminates the expedited civil action pursuant to this provision. [Court Order August 28, 2014, effective January 1, 2015]

1.281(2) Discovery in expedited civil actions.

- a. Discovery period. Except upon agreement of the parties or leave of court granted upon a showing of good cause, all discovery must be completed no later than 60 days before trial.
- b. Initial disclosures. Expedited civil actions are subject to the initial disclosure requirements of rule 1.500(1).
- c. Limited and simplified discovery procedures. Except upon agreement of the parties or leave of court granted upon a showing of good cause, discovery in expedited civil actions is subject to the following additional limitations:

- (1) *Interrogatories to parties*. Subject to rule 1.509(4), each side may serve no more than ten interrogatories on any other side.
- (2) Production of documents. In addition to document disclosures required under rule 1.500(1)(a), each side may serve no more than ten requests for production on any other side under rule 1.512.
- (3) Requests for admission. Each side may serve no more than ten requests for admission on any other side under rule 1.510. This limit does not apply to requests for admission of the genuineness of documents that the party intends to offer into evidence at trial.
 - (4) Depositions upon oral examination.
- 1. *Parties*. One deposition of each party may be taken. With regard to corporations, partnerships, voluntary associations, or any other groups or entities named as a party, one representative deponent may be deposed.
 - 2. Other deponents. Each side may take the deposition of up to two nonparties.
- d. Number of expert witnesses. Each side is entitled to one retained expert, except upon agreement of the parties or leave of court granted upon a showing of good cause.
- e. Motion for leave of court. A motion for leave of court to modify the limitations provided in rule 1.281(2) must be in writing and must set forth the proposed additional discovery and the reasons establishing good cause for its use.

1.281(3) *Motions.*

- a. Motions to dismiss. Any party may file any motion permitted by rule 1.421. Unless the court orders a stay, the filing of a motion to dismiss will not eliminate or postpone otherwise applicable pleading or disclosure requirements.
 - b. Motions for summary judgment.
- (1) Limited grounds. Motions for summary judgment under rule 1.981 may be made in an expedited civil action only upon the following grounds:
 - 1. To collect on an open account or other liquidated debt.
 - 2. To establish an obligation to indemnify.
 - 3. To assert an immunity defense.
 - 4. Failure to comply with Iowa Code section 668.11 or other deadline for disclosure.
 - 5. Failure to provide notice or exhaust remedies as required by law.
 - 6. To raise any other matter constituting an avoidance or affirmative defense.
- (2) Limited number. Each party may file no more than one motion for summary judgment under rule 1.981. The motion may include more than one ground authorized under rule 1.281(3)(b)(1).
- (3) *Deadline*. Motions for summary judgment under rule 1.981 must be filed no later than 90 days before trial.

COMMENT:

Rule 1.281(3)(b)(1)(4). If a case requires expert testimony, failure to timely designate an expert or to make a timely expert disclosure could be a permissible ground for summary judgment under this rule. [Court Order August 28, 2014, effective January 1, 2015]

1.281(4) Procedure for expedited trials.

- a. Demand for jury trial. Any party who desires a jury trial of any issue triable of right by a jury must file and serve upon the other parties a demand for jury trial pursuant to rule 1.902. Otherwise, expedited civil actions will be tried to the court.
- b. Trial setting. The court shall set the expedited civil action for trial on a date certain, which will be a firm date except that the court may later reschedule the trial for another date during the same week. Unless the court otherwise orders for good cause shown, expedited civil actions must be tried within one year of filing of the petition.
- c. Pretrial submissions. In addition to the pretrial submissions required by rules 1.500(3) and 23.5—Form 3(8), the parties must file one jointly proposed set of jury instructions and verdict forms. If a jury instruction or verdict form is controverted, each side must include its specific objections, supporting authority, and, if desired, a proposed alternative instruction or verdict form for the court's approval, denial, or modification. Both stipulated and alternative proposed jury instructions and verdict forms must be set forth in one document that is filed electronically in word processing format with the court.
- d. Expedited civil jury trial. Unless otherwise ordered, the jury in an expedited civil jury trial will consist of six persons selected from a panel of twelve prospective jurors. Each side must strike three prospective jurors. If the expedited civil jury is unable to reach a unanimous verdict after deliberating for a period of not less than three hours, the verdict can be rendered by a five-juror majority. Where

there are more than two sides, the court in its discretion may authorize and fix an additional number of jurors to be impaneled and strikes to be exercised.

- e. Expedited nonjury trial. The court trying an expedited civil action without a jury may, in its discretion, dispense with findings of fact and conclusions of law and instead render judgment on a general verdict, special verdicts, or answers to interrogatories that are accompanied by relevant legal instructions that would be used if the action were being tried to a jury. In such cases, the parties must comply with the pretrial submission requirements of rule 1.281(4)(c). When the court follows this procedure, parties must make their record with respect to objections to or requests for instructions, special verdicts, and answers to interrogatories as in a jury trial. Posttrial motions will be permitted as in a jury trial except that the court may, in lieu of ordering a new trial, enter new verdicts or answers to interrogatories on the existing trial record.
- f. Time limit for trial. Expedited civil actions should ordinarily be submitted to the jury or the court within two business days from the commencement of trial. Unless the court allows additional time for good cause shown, each side is allowed no more than six hours to complete jury selection, opening statements, presentation of evidence, examination and cross-examination of witnesses, and closing arguments. Time spent on objections, bench conferences, and challenges for cause to a juror is not included in the time limit.
 - g. Evidence.
- (1) *Stipulations*. Parties should stipulate to factual and evidentiary matters to the greatest extent possible.
- (2) Documentary evidence admissible without custodian certification or testimony. The court may overrule objections based on authenticity and hearsay to the admission of a document, notwithstanding the absence of testimony or certification from a custodian or other qualified witness, if:
- 1. The party offering the document gives notice to all other parties of the party's intention to offer the document into evidence at least 90 days in advance of trial. The notice must be given to all parties together with a copy of any document intended to be offered.
 - 2. The document on its face appears to be what the proponent claims it is.
- 3. The document on its face appears not to be hearsay or appears to fall within a hearsay exception set forth in Iowa Rule of Evidence 5.803(3), 5.803(4), 5.803(6), 5.803(7), 5.803(8), 5.803(9), 5.803(10), 5.803(11), 5.803(12), 5.803(13), 5.803(14), 5.803(15), 5.803(16), 5.803(17), or 5.803(22).
- 4. The objecting party has not raised a substantial question as to the authenticity or trustworthiness of the document.
- 5. Nothing in rule 1.281(4)(g)(2) affects the operation of other Iowa Rules of Evidence such as rules 5.402, 5.403, and 5.404.
- 6. Nothing in rule 1.281(4)(g)(2) authorizes admission of a document that contains hearsay within hearsay, unless the court determines from the face of the document that each part of the combined statements conforms with an exception to the hearsay rule set forth in rule 1.281(4)(g)(2)(3).
- 7. Any authenticity or hearsay objections to a document as to which notice has been provided under rule 1.281(4)(g)(2)(1) must be made within 30 days after receipt of the notice.
 - (3) Health Care Provider Statement in Lieu of Testimony.
- 1. The report of any treating health care provider concerning the claimant may be used in lieu of deposition or in-court testimony of the health care provider, provided that the report offered into evidence is on the Health Care Provider Statement in Lieu of Testimony form adopted by the supreme court, and is signed by the health care provider making the report.
- 2. A Health Care Provider Statement in Lieu of Testimony must be accompanied by a certification from counsel for claimant listing all communications between counsel and the health care provider.
- 3. Unless otherwise stipulated or ordered by the court, a copy of the completed health care provider statement must be served on all parties at least 150 days in advance of trial. Any objections to the health care provider statement, including an objection that the statement is incomplete or does not otherwise comply with rule 1.281(4)(g)(3), must be made within 30 days after receipt of the statement. For good cause shown, the court may issue such orders regarding the health care provider statement as justice may require, including an order permitting a health care provider to supplement the statement.
- 4. Any party against whom a health care provider statement may be used has the right, at the party's own initial expense, to cross-examine by deposition the health care provider signing the report, and the deposition may be used at trial.

COMMENT:

Rule 1.281(4)(b). The parties may stipulate to a reasonable time beyond the one-year time limit in order to accommodate scheduling conflicts. The court, however, may set the expedited civil action for trial within the one-year period absent party consent.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(e). The rule is intended to conserve judicial time and resources by giving the court discretion to dispense with findings of fact and conclusions of law and instead render a verdict as if the court were sitting as a "jury of one." The use of jury instructions and a verdict form in lieu of findings of fact and conclusions of law permits appellate review of the court's ruling. The cross-reference to rule 1.281(4)(c) clarifies that the parties must submit jointly one proposed set of jury instructions and a verdict form to the court trying the case without a jury. And, as also required by rule 1.281(4)(c), the parties must timely note objections to the final form of jury instructions and verdict form used by the court. Rule 1.904(2), governing motions to enlarge or amend findings and conclusions, does not apply in expedited nonjury trials in which the court dispenses with findings and conclusions.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(g)(2). The rule streamlines the presentation of records at trial, such as medical and business records, by allowing admission without a sponsoring witness to establish authenticity and the elements of a hearsay exception. This rule authorizes the court to review and admit the record on its face subject to other objections, such as relevance, upon a determination that the record appears to be genuine and appears not to be hearsay or to fall within one of several enumerated hearsay exceptions, such as statements for purpose of medical diagnosis or treatment, records of regularly conducted activity, or public records and reports (rules 5.803(4), 5.803(6), and 5.803(8)). If the record appears genuine and appears to qualify for one of the enumerated hearsay exceptions, the burden shifts to the other side to raise a substantial question as to its authenticity or trustworthiness. Rule 1.281(4)(g)(2) may only be used if the proponent of the record has given notice to other parties sufficiently in advance of trial of its intent to rely on this rule, while serving a copy of the record. See rule 1.281(4)(g)(2)(1). [Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(g)(3)(1). The rule permits a party to admit the out-of-court declaration of a health care provider in lieu of the health care provider's in-court testimony. It prohibits hearsay objections based solely on the fact that the health care provider has not testified at trial or in a deposition subject to cross-examination.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(g)(3)(3). Any party may object to all or part of the Health Care Provider Statement in Lieu of Testimony, including the proponent of the statement. The rule provides that the court must rule on any objection to the health care provider statement sufficiently in advance of trial so as to give the proponent an opportunity to rectify any deficiencies in the statement. In ruling on such objections, the court has discretion to determine matters such as whether the health care provider has provided actual medical treatment for the patient, whether the health care provider has substantially answered the questions on the statement, or whether to redact any portion of the statement.

[Court Order August 28, 2014, effective January 1, 2015]

- **1.281(5)** Settlement conference; alternative dispute resolution. Unless the parties have agreed to engage in alternative dispute resolution or are required to do so by contract or statute, the court may not, by order or local rule, require the parties to engage in a settlement conference or in any other form of alternative dispute resolution.
- **1.281(6)** Claim preclusion; issue preclusion. Judgments or orders in an expedited civil action may not be relied upon to establish claim preclusion or issue preclusion unless the party seeking to rely on a judgment or order for preclusive effect was either a party or in privity with a party in the expedited civil action.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; March 7, 2018, effective January 1, 2019]

Rules 1.282 to 1.300 Reserved.

DIVISION III

COMMENCEMENT OF ACTIONS

Rule 1.301 Commencement of actions; tolling; cover sheet.

1.301(1) For all purposes, a civil action is commenced by filing a petition with the court. The date of filing shall determine whether an action has been commenced within the time allowed by statutes for limitation of actions, even though the limitation may inhere in the statute creating the remedy.

1.301(2) A cover sheet available from the clerk of court or from the judicial branch web site (www.iowacourts.gov) must be completed and accompany every civil petition except in small claims, probate, and mental health commitment actions. This requirement is solely for administrative purposes, and matters appearing on the civil cover sheet have no legal effect in the action. The clerk may assist pro se litigants in completing the cover sheet. The cover sheet may be modified from time to time as deemed necessary by the supreme court.

[Report 1943; amendment 1975; October 31, 1997, effective January 24, 1998; December 21, 1999, effective February 1, 2000; October 18, 2000, effective January 2, 2001; November 9, 2001, effective February 15, 2002]

Rule 1.302 Original notice; form, issuance and service. A notice to the defendant, respondent, or other party against whom an action has been filed shall be served in the form and manner provided by this rule. This notice shall be called the original notice.

- **1.302(1)** The original notice shall contain the following information:
- a. The name of the court and the names of the parties.
- b. The name, address, telephone number, and if available, the facsimile transmission number of the plaintiff's or petitioner's attorney, if any, otherwise the plaintiff's or petitioner's address.
 - c. The date of the filing of the petition.
- d. The time within which these rules or statutes require the defendant, respondent, or other party to serve, and within a reasonable time thereafter file, a motion or answer.

The original notice shall also state that if the defendant, respondent or other party fails to move or answer, judgment by default may be rendered for the relief demanded in the petition. The original notice shall also include the compliance notice required by the Americans with Disabilities Act (ADA). A copy of the petition shall be attached to the original notice except when service is by publication. If service is by publication, the original notice alone shall be published and shall also contain a general statement of the claim or claims and, subject to the limitation in rule 1.403(1), the relief demanded.

- **1.302(2)** The original notice shall be signed by the clerk and be under the seal of the court.
- **1.302(3)** An original notice shall be served with a copy of the petition. The plaintiff is responsible for service of an original notice and petition within the time allowed under rule 1.302(5) and shall furnish the person effecting service with the necessary copies of the original notice and petition. This rule does not apply to small claims actions.
- **1.302(4)** Original notices may be served by any person who is neither a party nor the attorney for a party to the action. A party or party's agent or attorney may take an acknowledgment of service and deliver a copy of the original notice in connection therewith and may mail a copy of the original notice when mailing is required or permitted under any rule or statute.
- **1.302(5)** If service of the original notice is not made upon the defendant, respondent, or other party to be served within 90 days after filing the petition, the court, upon motion or its own initiative after notice to the party filing the petition, shall dismiss the action without prejudice as to that defendant, respondent, or other party to be served or direct an alternate time or manner of service. If the party filing the papers shows good cause for the failure of service, the court shall extend the time for service for an appropriate period.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003]

COMMENT: Rule 1.302 is a combination of former Iowa Rs. Civ. P. 49, 50 and 52 reorganized to present the information in a more logical sequence. This rule was changed to reflect the present practice. Original notices should now include the telephone number and facsimile transmission number of the party's attorney requesting the issuance of an original notice. It also requires the original notice to have the proper ADA notice. The language is changed stating a default "may be rendered" rather than "will be rendered." This change reflects the actual practice and the 10-day notice before a default judgment can be entered. The rule also has a 90-day requirement for service. Ninety days was chosen in order that service would be perfected prior to the issuance of scheduling orders by most courts. The forms of the original notices contained in the appendix are changed accordingly.

Rule 1.303 Time for motion or answer to petition.

- **1.303(1)** Unless otherwise provided, the defendant, respondent, or other party shall serve, and within a reasonable time thereafter file, a motion or answer within 20 days after the service of the original notice and petition upon such party.
- **1.303(2)** Any statute of Iowa which specifically requires response by a particular party, or in a particular action, within a specified time, shall govern the time for serving, and within a reasonable time thereafter filing, a motion or answer in such cases.
- **1.303(3)** A defendant, respondent, or other party served in a manner prescribed by an order of court shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed.
- **1.303(4)** A defendant, respondent, or other party served by publication or by publication and mailing shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed in the notice as published, which date shall not be less than 20 days after the date of last publication.

1.303(5) A defendant, respondent, or other party served by mail under rule 1.306 shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed in the notice as mailed, which date shall be not less than 60 days following the date of mailing. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.304 Response of garnishee. The officer serving a writ of attachment or execution shall garnish such persons as the plaintiff may direct who are supposed debtors, or who possess property of the principal defendant. Garnishment shall be effected by a notice served in the manner and as an original notice in civil actions. The notice shall forbid the garnishee from paying any debt owing such defendant, due or to become due, and require the garnishee to retain possession of all property of the defendant in the garnishee's hands or under the garnishee's control, to the end that the same may be dealt with according to law. Unless answers are required to be taken as provided by statute, the notice shall cite the garnishee to appear before the court at a time specified not less than ten days after service and answer such interrogatories as may be propounded, or the garnishee will be liable to pay any judgment which the plaintiff may obtain against the defendant.

[Report 1943; amendment 1945; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.305 Personal service. Original notices are "served" by delivering a copy to the proper person. Personal service may be made as follows:

1.305(1) Upon any individual who has attained majority and who has not been adjudged incompetent, either by taking the individual's signed, dated acknowledgment of service endorsed on the notice, or by serving the individual personally; or by serving, at the individual's dwelling house or usual place of abode, any person residing therein who is at least 18 years old, but if such place is a rooming house, hotel, club or apartment building, a copy may be delivered to such person who resides with the individual or is either a member of the individual's family or the manager or proprietor of such place; or upon the individual's spouse at a place other than the individual's dwelling house or usual place of abode if probable cause exists to believe that the spouse lives at the individual's dwelling house or usual place of abode.

1.305(2) Upon a minor by serving the minor's conservator or guardian, unless the notice is served on behalf of such conservator or guardian, or the minor's parent, or some person aged 18 years or more who has the minor's care and custody, or with whom the minor resides, or in whose service the minor is employed. Where the notice is served on behalf of one who is the conservator or guardian and the conservator or guardian is the only person who would be available upon whom service could be made, the court shall appoint, without prior notice to the ward, a guardian ad litem who shall be served and defend for the minor.

1.305(3) Upon any person adjudged incompetent but not confined in a state hospital for the mentally ill, by serving the conservator or guardian, unless the notice is served on behalf of such conservator or guardian, or that person's spouse, or some person aged 18 years or more who has that person's care and custody, or with whom that person resides. When the notice is served on behalf of one who is the conservator or guardian and the conservator or guardian is the only person who would be available upon whom service could be made, the court shall appoint without prior notice to the ward a guardian ad litem who shall be served and defend for the incompetent person.

1.305(4) Any person confined in a county care facility, or in any state hospital for the mentally ill, or any patient in the State University of Iowa hospital or its psychopathic ward, or any patient or inmate of any institution in the control of a director of a division of the department of human services or department of corrections or of the United States, may be served by the official in charge of such institution or that official's assistant. Proof of such service may be made by the certificate of such official, if the institution is in Iowa, or that official's affidavit if it is out of Iowa.

1.305(5) If any defendant, respondent, or other party is a patient in any state or federal hospital for the mentally ill, in or out of Iowa, or has been adjudged incompetent and is confined to a county care facility, the official in charge of such institution or the official's assistant shall accept service on the party's behalf, if in the official's or assistant's opinion direct service on the party would cause injury, which shall be stated in the acceptance.

1.305(6) Upon a partnership, or an association suable under a common name, or a corporation, by serving any present or acting or last known officer thereof, or any general or managing agent, or any agent or person now authorized by appointment or by law to receive service of original notice, or on the general partner of a partnership.

- **1.305(7)** If the action, whether against an individual, corporation, partnership or other association suable under a common name, arises out of or is connected with the business of any office or agency maintained by the defendant in a county other than where the principal resides, by serving any agent or clerk employed in such office or agency.
 - **1.305(8)** Upon any city by serving its mayor or clerk.
 - **1.305(9)** Upon any county by serving its auditor or the chair of its board of supervisors.
- **1.305(10)** Upon any school district, school township or school corporation by serving its president or secretary.
- **1.305(11)** Upon the state, where made a party pursuant to statutory consent or authorization for suit in the manner provided by any applicable statute.
- **1.305(12)** Upon any individual, corporation, partnership or association suable under a common name, either as provided in these rules, as provided by any consent to service or in accordance with any applicable statute.
- **1.305(13)** Upon a governmental board, commission or agency, by serving its presiding officer, clerk or secretary.
- **1.305(14)** If service cannot be made by any of the methods provided by this rule, any defendant may be served as provided by court order, consistent with due process of law. [Report 1943; amendment 1945; amended by 58GA, ch152, §201; amended by 62GA, ch 209, §443; amendment 1974; amendment 1975; 1986 Iowa Acts, H.F. 721, §1; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003]
- Rule 1.306 Alternate method of service. Every corporation, individual, personal representative, partnership or association that shall have the necessary minimum contact with the state of Iowa shall be subject to the jurisdiction of the courts of this state, and the courts of this state shall hold such corporation, individual, personal representative, partnership or association amenable to suit in Iowa in every case not contrary to the provisions of the Constitution of the United States.

Service may be made on any such corporation, individual, personal representative, partnership or association as provided in rule 1.305 within or without the state or, if such service cannot be so made, in any manner consistent with due process of law prescribed by order of the court in which the action is brought.

Nothing herein shall limit or affect the right to serve an original notice upon any corporation, individual, personal representative, partnership or association within or without this state in any manner now or hereafter permitted by statute or rule. [Report 1975; November 9, 2001, effective February 15, 2002]

Rule 1.307 Member of general assembly. No member of the general assembly shall be held to move or answer in any civil action in any court in this state while such general assembly is in session. [Report 1943; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; November 9, 2001, effective February 15, 2002]

Rule 1.308 Returns of service.

- **1.308(1)** Signature; fees. Iowa officers may make unsworn returns of original notices served by them, as follows: Any sheriff or deputy sheriff, as to service in that officer's own or a contiguous county; any other peace officer, bailiff, or marshal, as to service in that officer's own territorial jurisdiction. The court shall take judicial notice of such signatures. All other returns, except those specified in rules 1.305(4) and 1.305(5), shall be proved by the affidavit of the person making the service. If served in the state of Iowa by a person other than such peace officer acting within the territories above defined or in another state by a person other than a sheriff or other peace officer, reasonable fees or mileage, not to exceed those allowed to a sheriff under Iowa Code section 331.655, shall be taxed as costs.
- **1.308(2)** Contents. A return of personal service shall state the time, manner, and place thereof and name the person to whom copy was delivered; and if delivered under rule 1.305(1) to a person other than defendant, respondent, or other party, it must also state the facts showing compliance with said rule.
- **1.308(3)** Endorsement and filing. If a sheriff receives the notice for service, the sheriff shall note thereon the date when received, and serve it without delay in the sheriff's own or a contiguous county, and upon receiving the appropriate fees, the sheriff shall either file it and the return with the clerk, or deliver it by mail or otherwise to the person from whom the sheriff received it.

- **1.308(4)** *Proof of service.* The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process. Failure to make proof of service does not affect the validity of the service.
- **1.308(5)** By mail. Where service includes notice by mail, proof of such mailing shall be by affidavit. The affidavit, with a duplicate copy of the papers referred to in the affidavit attached thereto, shall be forthwith filed with the court.

[Report 1943; amendment 1975; February 13, 1986, effective July 1, 1986; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.309 Amendment of process or proof of service. The court may allow any process or proof of service thereof to be amended at any time in its discretion and upon such terms as it deems just, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.

[Report 1975; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- **Rule 1.310 Service by publication; what cases.** After filing an affidavit that personal service cannot be had on an adverse party in Iowa, the original notice may be served by publication, in any action brought for the following:
 - **1.310(1)** For recovery of real property or any estate or interest therein.
 - **1.310(2)** For the partition of real or personal property in Iowa.
 - 1.310(3) To foreclose a mortgage, lien, encumbrance or charge on real or personal property.
 - **1.310(4)** For specific performance of a contract for sale of real estate.
- **1.310(5)** To establish, set aside or construe a will, if defendant, respondent, or other party resides out of Iowa, or if the residence is unknown.
- **1.310(6)** Against a nonresident of Iowa or a foreign corporation which has property, or debts owing to it in Iowa, sought to be taken by any provisional remedy, or appropriated in any way.
- **1.310(7)** Against any defendant, respondent, or other party who, being a nonresident of Iowa, or a foreign corporation, has or claims any actual or contingent interest in or lien on real or personal property in Iowa which is the subject of such action, or to which it relates; or where the action seeks to exclude such defendant, respondent, or other party from any lien, interest or claim therein.
- **1.310(8)** Against any resident of the state who has departed therefrom, or from the county of defendant's, respondent's or other party's residence, with intent to delay or defraud creditors, or to avoid service, or a defendant, respondent or other party who keeps concealed with like intent.
- **1.310(9)** For dissolution of marriage or separate maintenance or to modify a decree in such action, or to annul an illegal marriage, against a party who is a nonresident of Iowa or whose residence is unknown.
- **1.310(10)** To quiet title to real estate, against a party who is a nonresident of Iowa, or whose residence is unknown.
- **1.310(11)** Against a partnership, corporation or association suable under a common name, when no person can be found on whom personal service can be made.
- **1.310(12)** To vacate or modify a judgment or for a new trial under rules 1.1012 and 1.1013. [Report 1943; amendment 1945; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.311 Known defendants.

- **1.311(1)** In every case where service of original notice is made upon a known defendant, respondent, or other party by publication, copy of the notice shall also be sent by ordinary mail addressed to such party at the party's last-known mailing address, unless an affidavit of a party or that party's attorney is filed stating that no mailing address is known and that diligent inquiry has been made to ascertain it.
- **1.311(2)** Such copy of notice shall be mailed by the party, the party's agent or attorney not less than 20 days before the date for motion or answer.
- **1.311(3)** Proof of such mailing shall be by affidavit, and such affidavit or the affidavit referred to in rule 1.311(1) shall be filed before the entry of judgment or decree. The court, in its judgment or decree, or prior thereto, shall make a finding that the address to which such copy was directed is the last-known mailing address, or that no such address is known, after diligent inquiry.
- [Report 1951; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.312 Unknown defendants, respondents, or other parties. The original notice against unknown parties shall be directed to the unknown claimants of the property involved, describing it. It shall otherwise comply with rule 1.302.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.313 How published. After the filing of a petition, publication of the original notice shall be made once each week for three consecutive weeks in a newspaper of general circulation published in the county where the petition is filed. The newspaper shall be selected by the plaintiff.

[Report 1943; amendment 1951; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.314 Proof of publication. Before default is taken, proof of such publication shall be filed, sworn to by the publisher or an employee of the newspaper. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.315 Actual service. Service of original notice in or out of Iowa according to rule 1.305 supersedes the need of its publication.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.316 to 1.400 Reserved.

DIVISION IVPLEADINGS AND MOTIONS

A. PLEADINGS GENERALLY

Rule 1.401 Allowable pleadings. There shall be a petition and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a cross-petition, if a person who was not an original party is summoned under the provisions of rule 1.246; and an answer to cross-petition, if a cross-petition is served.

[Report 1943; amendment 1974; Report 1978, effective July 1, 1979; November 9, 2001, effective February 15, 2002]

Rule 1.402 General rules of pleading.

- **1.402(1)** Form and sufficiency. The form and sufficiency of all pleadings shall be determined by these rules, construed and enforced to secure a just, speedy and inexpensive determination of all controversies on their merits.
 - **1.402(2)** Pleading to be concise and direct; consistency.
- a. Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings are required.
- b. A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or equitable grounds. "Pleadings" as used in these rules do not include motions.
- **1.402(3)** Correcting or recasting pleadings. On its own motion or that of any party, the court may order any prolix, confused or multiple pleading to be recast in a concise single document within such time as the order may fix. In like manner, it may order any pleading not complying with these rules to be corrected on such terms as it may impose.
- **1.402(4)** Amendments. A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party. Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires.
- **1.402(5)** Making and construing amendments. All amendments must be on a separate paper, duly filed, without interlining or expunging prior pleadings. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to

be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against the party, the party to be brought in by amendment has received such notice of the institution of the action that the party will not be prejudiced in maintaining a defense on the merits, and knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against the party.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.403 Claims for relief.

1.403(1) Generally. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or cross-petition, shall contain a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for judgment for the type of relief sought. Relief in the alternative or of several different types may be demanded. Except in small claims and cases involving only liquidated damages, a pleading shall not state the specific amount of money damages sought but shall state whether the amount of damages meets applicable jurisdictional requirements for the amount in controversy. The specific amount and elements of monetary damages sought may be obtained through discovery.

1.403(2) *Petition.* The petition shall state whether it is at law or in equity. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.404 Appearances.

- **1.404(1)** By attorney. An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of the firm only. Such appearance shall entitle the attorney to service as provided in rule 1.442.
- **1.404(2)** Appearance alone. The court shall have no power to treat an appearance as sufficient to delay or prevent a default or any other order which would be made in absence thereof, or of timely pleading. Notice and opportunity to respond to any motion for judgment under rule 1.973(2) shall be given to any party who has appeared.
- **1.404(3)** Limited appearance. Pursuant to Iowa R. Prof'l Conduct 32:1.2(c), an attorney's role may be limited to one or more individual proceedings in the action, if specifically stated in a notice of limited appearance filed and served prior to or simultaneously with the proceeding. If the attorney appears at a hearing on behalf of a client pursuant to a limited representation agreement, the attorney shall notify the court of that limitation at the beginning of that hearing.
- **1.404(4)** Termination of limited appearance. At the conclusion of a proceeding in which an attorney has appeared pursuant to a limited representation agreement, the attorney's role terminates without the necessity of leave of court upon the attorney's filing a notice of completion of limited appearance. The notice of completion of limited appearance shall state that the attorney was retained to perform a limited service; shall describe the limited service; shall state that the service has been completed; and shall include the personal identification number, address, telephone number and, if available, facsimile transmission number of the client. The attorney shall serve a copy of the notice on the client and all other parties to the action or their attorneys.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; March 12, 2007, effective May 15, 2007]

Rule 1.405 Answer.

- **1.405(1)** Generally. The answer shall show on whose behalf it is filed, and specifically admit or deny each allegation or paragraph of the pleading to which it responds, which denial may be for lack of information. It must state any additional facts deemed to show a defense. It may raise points of law appearing on the face of the pleading to which it responds. It may contain a counterclaim which must be in a separate division.
- **1.405(2)** Answers for ward. All answers by conservators, guardians or guardians ad litem, or filed under rule 1.212, shall state whether proper service has been had on the ward; and they shall deny all material allegations prejudicial to the ward.
- **1.405(3)** What admitted. Every fact pleaded and not denied in a subsequent pleading as permitted by these rules shall be deemed admitted except for any of the following:
 - a. Allegations of value or amount of damage.

- b. Averments in a pleading to which no responsive pleading is required or permitted.
- c. Facts not previously pleaded that are set forth in pleadings filed subsequent to the seventh day preceding the trial, all of which shall be deemed denied by operation of law.

1.405(4) Denying signature.

- a. By party. If a pleading copies a writing purporting to be signed by an adverse party, such signature shall be deemed genuine for all purposes in the case, unless such party denies it and supports the denial by the party's affidavit that it is not a genuine or authorized signature. The party may, on application made during the time to plead, procure an inspection of the original writing.
- b. By nonparty. If a pleading copies a nonnegotiable writing purporting to be signed by a nonparty to the action, such signature shall be deemed genuine, unless a party denies it, and supports the denial by affidavit, which denial may be for lack of information.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.406 Reply. The court may order a reply to an answer or to an answer to a cross-petition. [Report 1943; amendment 1974; Report 1978, effective July 1, 1979; November 9, 2001, effective February 15, 2002]

Rule 1.407 Interventions.

- **1.407(1)** *Intervention of right.* Upon timely application, anyone shall be permitted to intervene in an action under any of the following circumstances:
 - a. When a statute confers an unconditional right to intervene.
- b. When the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.
- **1.407(2)** *Permissive intervention.* Upon timely application, anyone may be permitted to intervene in an action under any of the following circumstances:
 - a. When a statute confers a conditional right to intervene.
- b. When an applicant's claim or defense and the main action have a question of law or fact in common.
- c. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action.

In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

- **1.407(3)** *Procedure.* A person desiring to intervene shall serve a motion to intervene upon the parties. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.
- **1.407(4)** Disposition. The court shall grant interventions of right unless the applicant's interest is adequately represented by existing parties. The court shall consider applications for permissive intervention and grant or deny the application as the circumstances require. The intervenor shall have no right to delay, and shall pay the costs of the intervention unless the intervenor prevails.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002] **COMMENT:** The amendments to former Iowa R. Civ. P. 75, now rule 1.407, adopted provisions substantially similar to Fed. R. Civ. P. 24 and allow the trial court more discretion in determining whether to allow intervention.

Rules 1.408 to 1.410 Reserved.

B. PLEADINGS; FORMAT AND CONTENT

Rule 1.411 Caption and signature.

1.411(1) Required information. Each appearance, notice, motion, or pleading shall be captioned with the title of the case, naming the court, parties, and instrument, and shall bear the signature, personal identification number, address, telephone number, and, if available, facsimile transmission number and e-mail address of the party or attorney filing it. The caption of the first papers filed or served by or on behalf of any named party shall include the personal identification number of each named party if available or as soon as is available. The caption of a petition shall state whether the

action is at law or equity. In all subsequent papers filed or served, the caption need name only the first of several coparties.

1.411(2) Personal identification numbers. In lieu of including social security numbers on pleadings, parties shall complete a confidential information form available from the clerk of court. The clerk shall separately file the confidential information forms, and the social security numbers contained therein shall be confidential and cannot be disclosed except as authorized by federal or state law.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; May 14, 2007, effective July 15, 2007]

Rule 1.412 Paragraphs; separate statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

[Report 1943; amendment 1976; November 9, 2001, effective February 15, 2002]

Rule 1.413 Verification abolished; affidavits; certification.

- 1.413(1) Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require. Counsel's signature to every motion, pleading, or other paper shall be deemed a certificate that: counsel has read the motion, pleading, or other paper; that to the best of counsel's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a motion, pleading, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee. The signature of a party shall impose a similar obligation on such party. This rule does not apply to disclosures, discovery requests, responses, objections, and motions under rules 1.500 through 1.517, which are governed by rule 1.503(6).
- 1.413(2) If a party commencing an action has in the preceding five-year period unsuccessfully prosecuted three or more actions, the court may, if it deems the actions to have been frivolous, stay the proceedings until that party furnishes an undertaking secured by cash or approved sureties to pay all costs resulting to opposing parties to the action including a reasonable attorney fee.
- 1.413(3) Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, shall contain or be accompanied by an affidavit of the person or persons knowing the facts requisite to such relief. A similar affidavit shall be appended to all petitions which special statutes require to be verified.
- 1.413(4) Any pleading, motion, affidavit, or other document required to be verified under Iowa law may, alternatively, be certified pursuant to Iowa Code section 622.1, using substantially the following form:

"I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Date	Signature"
[Report 1943; amendment 194	45; Report January 21, 1986, effective April 1, 1986; October 31, 198

97, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.414 Supplemental pleadings. By leave of court, upon reasonable notice and upon such terms as are just, or by written consent of the adverse party, a party may serve and file a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Leave may be granted even though the original pleading is defective in its statement of a claim for relief or defense. No responsive pleading to the supplemental pleading is required unless the court, upon its own motion or the motion of a party, so orders, specifying the time therefor.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.415 Judicial notice; statutes. Matters of which judicial notice is taken, including statutes of Iowa, need not be stated in any pleading. A pleading asserting any statute of another state, territory or jurisdiction of the United States, or a right derived therefrom, shall refer to such statute by plain designation and if such reference is made the court shall judicially notice such statute. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.416 Negligence; mitigation. In an action by an employee against an employer, or by a passenger against a common carrier to recover for negligence, plaintiff need not plead or prove freedom from contributory negligence, but defendant may plead and prove contributory negligence in mitigation of damages.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.417 Permissible conclusions; denials. The following may be pleaded as legal conclusions without averring the facts comprising them: partnership, corporate or representative capacity; corporate authority to sue or do business in Iowa; performance of conditions precedent; or judgments of a court, board or officer of special jurisdiction. It shall not be sufficient to deny such averment in terms contradicting it, but the facts relied on must be stated.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.418 Contract. Every pleading referring to a contract must state whether it is written or oral. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.419 Defenses to be specially pleaded. Any defense that a contract or writing sued on is void or voidable, or was delivered in escrow, or which alleges any matter in justification, excuse, release or discharge, or which admits the facts of the adverse pleading but seeks to avoid their legal effect, must be specially pleaded.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.420 Account; bill of particulars; denial. A pleading founded on an account shall contain a bill of particulars thereof, by consecutively numbered items, which shall define and limit the proof, and may be amended as other pleadings. A pleading controverting such account must specify the items denied, and any items not thus specified shall be deemed admitted.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.421 Defenses; how raised; consolidation; waiver.

- **1.421(1)** Every defense to a claim for relief in any pleading must be asserted in the pleading responsive thereto, or in an amendment to the answer made within 20 days after service of the answer, or if no responsive pleading is required, then at trial. The following defenses or matters may be raised by pre-answer motion:
 - a. Lack of jurisdiction of the subject matter.
 - b. Lack of jurisdiction over the person.
 - c. Insufficiency of the original notice or its service.
 - d. To recast or strike.
 - e. For more specific statement.
 - f. Failure to state a claim upon which any relief may be granted.
- **1.421(2)** Improper venue under rule 1.808 must be raised by pre-answer motion filed prior to or in a single motion under rule 1.421(3).
- **1.421(3)** If the grounds therefor exist at the time a pre-answer motion is made, motions under rule 1.421(1)(b) through 1.421(1)(f) shall be contained in a single motion and only one such motion assailing the same pleading shall be permitted, unless the pleading is amended thereafter.

- **1.421(4)** If a pre-answer motion does not contain any matter specified in rule 1.421(1) or 1.421(2) that matter shall be deemed waived, except lack of jurisdiction of the subject matter or failure to state a claim upon which relief may be granted.
- **1.421(5)** Sufficiency of any defense may be raised by a motion to strike it, filed before pleading to it.
- **1.421(6)** Motions under this rule must specify how the pleading they attack is claimed to be insufficient.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; September 16, 2004, effective December 1, 2004]

- **Rule 1.422 Protected information.** It is the responsibility of counsel and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made.
- **1.422(1)** Omission or redaction required. In all civil proceedings and special actions a party shall omit or redact protected information from documents and exhibits filed with the court unless the information is material to the proceedings or disclosure is otherwise required by law.
 - a. "Protected information" includes the following:
 - (1) Social security numbers.
 - (2) Financial account numbers.
 - (3) Personal identification numbers.
 - (4) Other unique identifiers.
- b. If a social security number must be included in a document only the last four digits of that number should be used. If financial account numbers must be included only incomplete numbers should be recited in the document.
- c. Parties are not required to omit or redact protected information from materials or cases deemed confidential by any statute or rule of the supreme court; however, omission or redaction is required for materials that are initially confidential but which later become public, such as records in dissolution proceedings.
- **1.422(2)** Omission or redaction allowed. A party may omit or redact any of the following information from documents and exhibits filed with the court unless the information is material to the proceedings or disclosure is otherwise required by law:
 - a. Other personal identifying numbers, such as driver's license numbers.
 - b. Information concerning medical treatment or diagnosis.
 - c. Employment history.
 - d. Personal financial information.
 - e. Proprietary or trade secret information.
 - f. Information concerning a person's cooperation with the government.
 - g. Information concerning crime victims.
 - h. Sensitive security information.
 - i. Home addresses.
 - j. Dates of birth.
 - k. Names of minor children.

[Report May 31, 2006, effective September 1, 2006; August 28, 2006, effective November 1, 2006]

Rule 1.423 Limited representation pleadings and papers.

1.423(1) Disclosure of limited representation. Every pleading or paper filed by a pro se party that was prepared with the drafting assistance of an attorney who contracted with the client to limit the scope of representation pursuant to Iowa R. Prof'l Conduct 32:1.2(c) shall state that fact before the signature line at the end of the pleading or paper that was prepared with the attorney's assistance. The attorney shall advise the client that such pleading or other paper must contain this statement. The pleading or paper shall also include the attorney's name, personal identification number, address, telephone number and, if available, facsimile transmission number, but shall not be signed by the attorney. If the drafting assistance was provided as part of services offered by a nonprofit legal services organization or a volunteer component of a nonprofit or court-annexed legal services program, the name, address, telephone number and, if available, facsimile transmission number of the program may be included in lieu of the business address, telephone number, and facsimile transmission number of the drafting attorney.

- **1.423(2)** Drafting attorney's duty. In providing drafting assistance to the pro se party, the attorney shall determine, to the best of the attorney's knowledge, information, and belief, that the pleading or paper is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not filed for any improper purpose, such as to harass or to cause an unnecessary delay or needless increase in the cost of litigation. The attorney providing drafting assistance may rely on the pro se party's representation of facts, unless the attorney has reason to believe that such representation is false or materially insufficient, in which instance the attorney shall make an independent, reasonable inquiry into the facts.
- **1.423(3)** Not an appearance by attorney. The identification of an attorney who has provided drafting assistance in the preparation of a pleading or paper shall not constitute an entry of appearance by the attorney for purposes of rule 1.404(1) and does not authorize service on the attorney or entitle the attorney to service as provided in rule 1.442.

[Report March 12, 2007, effective May 15, 2007]

Rules 1.424 to 1.430 Reserved.

C. MOTIONS

Rule 1.431 Motion practice; generally.

- **1.431(1)** A motion is an application made by any party or interested person for an order related to the action. It is not a "pleading" but is subject to the certification requirements of rule 1.413(1).
- **1.431(2)** Each motion filed shall be captioned and signed in accordance with rule 1.411 and shall set out the specific points upon which it is based.
- **1.431(3)** A concise memorandum brief citing supporting authorities may be served in accordance with rule 1.442(4).
- **1.431(4)** Unless otherwise ordered by the court or provided by rule or statute, each party opposing the motion shall file within ten days after a copy of the motion has been served a written resistance to the motion. A concise brief citing supporting authorities may be served in accordance with rule 1.442(4).
- **1.431(5)** Within seven days after service of the resistance or before any hearing on the motion, whichever is earlier, the movant may file a reply and serve a concise reply brief in accordance with rule 1.442(4) to assert newly decided authority or to respond to new and unanticipated matters. The reply brief should not reargue points made in the opening brief.
- **1.431(6)** Evidence to sustain or resist a motion may be made by affidavit or in any other form to which the parties agree or the court directs. The court may require any affiant to appear for cross-examination.
- **1.431(7)** The trial court shall rule on all motions within 30 days after their submission, unless it extends the time for reasons stated of record.
- **1.431(8)** The clerk of each court shall maintain a motion calendar on which every motion filed shall be entered. It shall be arranged to show the following:
 - a. Docket, page and cause number of action in which filed.
 - b. Abbreviated title of the case with surname of the first-named party on each side.
 - c. Counsel of record for parties.
 - d. Denomination of the motion.
 - e. Date filed.
 - f. Party by whom filed.
 - g. Date entered on calendar.
 - h. Date of disposition by ruling, order or otherwise.

Separate motion calendars for law, equity or other divisions may be maintained.

- **1.431(9)** The court may deem a motion under these rules submitted without hearing or may schedule a hearing, either in person or by telephone conference call, on the motion. The court shall, upon agreement of the parties, direct that the hearing be held by telephone conference call unless a party notifies the court that oral testimony will be offered. If the hearing is held by telephone conference call, the call shall be arranged and paid for by the party making the motion, unless the parties agree otherwise.
- **1.431(10)** Hearings on temporary orders pursuant to Iowa Code sections 598.10 and 600B.40A, whether testimony is taken or not, shall occur in the presence of the parties who have appeared for the

hearing. If the court conducts the hearing by telephone or video conference, the parties are entitled to be present for the hearing by the same means the court uses to conduct the hearing.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; January 7, 2010, effective March 8, 2010; March 9, 2010, effective May 10, 2010; Court Order February 14, 2017, temporarily effective February 14, 2017, permanently effective April 17, 2017]

COMMENT: Rule 1.431 is a consolidation of former Iowa Rs. Civ. P. 109, 116, 117(c), 117(e), 117(f), and portions of 117(a), all of which pertained to motions, filing of motions, evidence to sustain or resist them, placing them on the motion calendar, and the time within which they should be ruled upon.

Rule 1.432 Failure to move; effect of overruling motion. No pleading shall be held sufficient for failure to move to strike or dismiss it. If such motion is filed and overruled, error in such ruling is not waived by pleading over or proceeding further; and the moving party may always question the sufficiency of the pleading during subsequent proceedings.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.433 Motion for more specific statement. A party may move for a more specific statement of any matter not pleaded with sufficient definiteness to enable the party to plead to it and for no other purpose. It shall point out the insufficiency claimed and particulars desired.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.434 Motion to strike. Improper or unnecessary matter in a pleading may be stricken out on motion of the adverse party.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.435 Motion days; submission of pretrial motions.

- 1.435(1) The chief judge of each judicial district shall provide by order for motion days to be held each month in each county, when all pretrial motions on file 14 days or more shall be deemed submitted unless a hearing has been set or another time for submission is fixed by rule, statute, or order of court entered for good cause shown. A party who has been served with original notice or has appeared shall take notice of the regular motion day on which motions will be heard.
- 1.435(2) The court may hear and rule on any motion prior to motion day so as not to delay completing the issues or trial of the case.
- 1.435(3) The court may require counsel to be apprised, in any manner it directs, of the time and place at which it will hear or act on any motion, application or other matter other than at the regular motion day. This subrule shall be applied to expedite, but not delay, hearings and submissions. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.436 to 1.440 Reserved.

D. TIME, FILING, AND NOTICE REQUIREMENTS

Rule 1.441 Time to move or plead.

- **1.441(1)** *Motions*. Motions attacking a pleading must be served before responding to the pleading or, if no responsive pleading is required by these rules, within 20 days after the service of the pleading on such party.
- 1.441(2) Pleading. Answer to a petition must be served on or before the date prescribed in accordance with rule 1.303. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within 20 days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs.
- 1.441(3) Time after filing motions. The service of a motion permitted under the rules in this chapter alters these periods of time as follows, unless a different time is fixed by order of the court.

If the motion is so disposed of as to require further pleading, such pleading shall be served within ten days after notice of the court's action.

1.441(4) Response to amendments. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever is longer, unless the court otherwise orders.

- **1.441(5)** *Shortening time.* The court may order any motion or pleading to be filed within a shorter time than specified above.
- **1.441(6)** Extending time. For good cause, but not ex parte, the court may extend the time to answer or reply for not more than 30 days beyond the times above specified. For good cause but not ex parte, and upon such terms as the court prescribes, the court may grant a party the right to file an answer or reply where the time to file same has expired.
- **1.441(7)** Notice of removal to federal court. The filing of a notice of removal to the federal court shall suspend the jurisdiction of the state court until an order of the federal court, remanding the cause, or determining that the removal has not been perfected, is filed in the state court. Thereupon, the times fixed for motions or pleadings shall begin anew.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.442 Service and filing of pleadings and other papers.

- **1.442(1)** When service is required. Unless the court otherwise orders, everything required to be filed by the rules in this chapter; every order required by its terms to be served; every pleading subsequent to the original petition; every paper relating to discovery; every written motion including one which may be heard ex parte; and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. No service need be made on any party against whom a default has been entered except that pleadings asserting new or additional claims for relief against the party shall be served upon the party in the manner provided for service of original notice in rule 1.305. In an action begun by seizure of property, in which no person need be or is named as defendant, any service required to be made prior to the filing of an answer, claim, or appearance shall be made upon the person having custody or possession of the property at the time of its seizure.
- **1.442(2)** How service is made. Service upon a party represented by an attorney shall be made upon the attorney unless service upon the party is ordered by the court. Service on an attorney who has made a limited appearance for a party shall constitute valid service on the represented party only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared. Service shall be made by delivering, mailing, or transmitting by fax (facsimile) a copy to the attorney or to the party at the attorney's or party's last known address or, if no address is known, by leaving it with the clerk of court. Delivery within this rule means: handing it to the attorney or to the party; leaving it at the attorney's or party's office; or, if the office is closed or the person to be served has no office, leaving it at the attorney's or party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein. Service by mail is complete upon mailing.

Service may also be made upon a party or attorney by electronic mail (e-mail) if the person consents in writing in that case to be served in that manner. The written consent shall specify the e-mail address for such service. The written consent may be withdrawn by written notice served on all other parties or attorneys. Service by electronic means is complete upon transmission, unless the party making service learns that the attempted service did not reach the person to be served.

- **1.442(3)** Same: numerous defendants. In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any cross-claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.
- **1.442(4)** Filing. Except as provided in rule 1.502, all papers after the petition required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter; however, no party shall file legal briefs or memoranda, except in support of or resistance to a motion for summary judgment, unless expressly ordered by the court. Such briefs and memoranda shall be served upon the parties with an original copy delivered to the presiding judge. The party submitting the legal brief or memoranda shall file a statement certifying compliance with this rule. Whenever these rules or the rules of appellate procedure require a filing with the district court or its clerk within a certain time, the time requirement shall be tolled when service is made, provided the actual filing is done within a reasonable time thereafter.
- **1.442(5)** Filing with the court defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that a judicial

officer may permit them to be filed with the judicial officer, who shall note thereon the filing date and time and forthwith transmit them to the office of the clerk.

1.442(6) *Notice of orders or judgments.* Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in this rule upon each party except a party against whom a default has been entered and shall make a note in the docket of the mailing. In the event a case involves an appeal or review relating to an administrative agency, officer, commissioner, board, administrator, or judge, the clerk shall mail without cost to the applicable administrative agency, officer, commissioner, board, administrator, or judge a copy of any remand order, final judgment or decision in the case and a copy of any procedendo from the supreme court.

Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by the rules in this chapter; but any party may in addition serve a notice of such entry in the manner provided in this rule for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the district court to relieve a party for failure to appeal within the time allowed.

1.442(7) Certificate of service. All papers required or permitted to be served or filed shall include a certificate of service. Action shall not be taken on any paper until a certificate of service is filed in the clerk's office. The certificate shall identify the document served and include the date, manner of service, names and addresses of the persons served. The certificate shall be signed by the person making service. Unless ordered by the court, no other proof of service shall be filed.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003; March 12, 2007, effective May 15, 2007; November 12, 2009, effective January 11, 2010]

COMMENT: Rule 1.442(2) authorizes service by facsimile transmission and deletes archaic and unnecessary language regarding service by delivery to a clerk or person in charge of an office which is not closed. Rule 1.442(7) clarifies that all documents served or filed shall include a certificate of service, that proofs of service shall not be filed regarding documents that are not to be filed, and it sets forth the requirements of a certificate of service and prohibits the filing of other proofs of service unless ordered by the Court.

Rule 1.443 Enlargement; additional time after service.

- **1.443(1)** Enlargement. When by the rules in this chapter or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion do the following:
- a. With or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.
- b. Upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under rules 1.1001, 1.1003, and 1.1004, except to the extent and under the conditions stated in rule 1.1007.
- **1.443(2)** Additional time after service by mail, e-mail, or facsimile transmission. When by the rules in this chapter a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, e-mail, or facsimile transmission, three days shall be added to the prescribed period. Such additional time shall not be applicable where a court has prescribed the method of service of notice and the number of days to be given or where the deadline runs from entry or filing of a judgment, order or decree.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003]

Rule 1.444 Pleading over; election to stand. If a party is required or permitted to plead further by an order or ruling, the clerk shall forthwith mail or deliver notice of such order or ruling to the attorneys of record. Unless otherwise provided by order or ruling, such party shall file such further pleading within ten days after such mailing or delivery; and if such party fails to do so within such time, the party thereby elects to stand on the record theretofore made. On such election, the ruling shall be deemed a final adjudication in the trial court without further judgment or order; reserving only such issues, if any, which remain undisposed of by such ruling and election.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

E. COURT ACTION

Rule 1.451 Specific rulings required. A motion, or other matter involving separate grounds or parts, shall be disposed of by separate ruling on each and not sustained generally. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.452 Order defined. Every direction of the court, made in writing and not included in the judgment or decree, is an order.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.453 When and how entered. A judge may enter judgments, orders or decrees at any time after the matter has been submitted, effective when filed with the clerk, or as provided by rule 1.442(5). The clerk shall promptly mail or deliver notice of such entry, or copy thereof, to each party appearing, or to one of the party's attorneys. The clerk is authorized to deliver any judgments, orders, decrees or notices to the e-mail address provided by the attorney or party.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; June 29, 2009, effective August 28, 2009]

Rule 1.454 Reserved.

Rule 1.455 Preliminary determination. On application of any party, the motion for judgment on the pleadings under rule 1.954, and the defenses of (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a claim upon which relief can be granted, and (7) failure to join a party under rule 1.234, whether made in a pleading or by motion, shall be determined before trial, unless the court orders that determination thereof be deferred until the trial. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.456 Cross-petition, cross-claim, counterclaim; judgment. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition, cross-claim or counterclaim, it shall not be delayed thereby.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.457 Amending to conform to the evidence. When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice that party in maintaining the action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.458 Special action; proper remedy awarded. In any case of mandamus, certiorari, appeal to the district court, or for specific equitable relief, where the facts pleaded and proved do not entitle the petitioner to the specific remedy asked, but do show the petitioner entitled to another remedy, the court shall permit the petitioner on such terms, if any, as it may prescribe, to amend by asking for such latter remedy, which may be awarded.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.459 to 1.499 Reserved.

DIVISION VDISCOVERY AND INSPECTION

Rule 1.500 Duty to disclose; required disclosures.

1.500(1) *Initial disclosures.*

- a. In general. Except as exempted by rule 1.500(1)(e) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:
- (1) The name and, if known, the address, telephone numbers, and electronic mail address of each individual likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.
- (2) All documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.
- 1. Unless good cause exists for not doing so, copies of the documents or electronically stored information listed must be served with the disclosure.
- 2. If copies of any document or electronically stored information are not produced, the disclosing party must state the good cause for not producing the items and provide a description by category, location, and the name and address of the custodian of the document or electronically stored information.
- 3. A party who provides documents in disclosure must produce them as they are kept in the usual course of business.
- (3) A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under rule 1.512 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; provided, however, that this rule 1.500(1)(a)(3) does not require disclosure of the exact dollar amounts claimed for noneconomic damages.
- (4) For inspection and copying as under rule 1.512, and notwithstanding rule 1.503(2), the declarations page of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment that may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment, and, in any action in which coverage is or may be contested, a copy of the agreement and all letters from the insurer to the insured regarding coverage.
- b. Claims for personal or emotional injury. Except as exempted by rule 1.500(1)(e) or as otherwise stipulated or ordered by the court, and in addition to the initial disclosures required by rule 1.500(1)(a), any party asserting a claim for damages for personal or emotional injuries must, without awaiting a discovery request, provide to the other parties:
 - (1) The claimant's full name and date of birth.
 - (2) The claimant's Medicare health insurance claim number (HICN).
- (3) The names and addresses of all doctors, hospitals, clinics, pharmacies, and other health care providers claimant consulted within five years prior to the date of injury up to the present date.
- (4) Legally sufficient written waivers allowing the opposing party to obtain those records subject to appropriate protective provisions authorized by rule 1.504. The opposing party must give contemporaneous notice to the claimant when the opposing party uses the waivers to obtain records and must provide a copy of all records obtained by waiver to the claimant and all other parties. Any party who requests that the opposing party produce these records in nonelectronic form must bear the opposing party's costs of producing them in that form.
- c. Claims for lost time or earning capacity. Except as exempted by rule 1.500(1)(e) or as otherwise stipulated or ordered by the court, and in addition to the initial disclosures required by rule 1.500(1)(a), any party asserting a claim for damages for lost time or lost earning capacity must, without awaiting a discovery request, provide to the other parties:
- (1) The claimant's federal and state income tax returns for the five years prior to the date of disclosure.
- (2) The names and addresses of all persons by whom the claimant has been employed for the five years prior to the date of disclosure.

- (3) Legally sufficient written waivers allowing the opposing party to obtain the claimant's personnel files and payment histories from each employer subject to appropriate protective provisions authorized by rule 1.504.
- 1. The opposing party must give contemporaneous notice to the claimant when the opposing party uses the waiver to obtain records and must provide a copy of all records obtained by waiver to the claimant and all other parties.
- 2. Any party who requests that the opposing party produce these records in nonelectronic form must bear the opposing party's costs of producing them in that form.
 - d. Domestic relations proceedings.
- (1) Except as otherwise stipulated or ordered by the court and in lieu of the initial disclosures required by rule 1.500(1)(a), in domestic relations actions involving any contested claim, including divorce, custody, modification, and paternity actions, each party must, without awaiting a discovery request, provide to the other party copies of the following:
- 1. Paystubs or other documentation showing the party's income from all sources, deductions for federal and state taxes, health insurance premiums, union dues, and mandatory pension withholdings for the past six months. If children are involved, the party providing health insurance must provide a breakdown of the cost of an individual health insurance plan and the cost of a family plan.
- 2. The party's federal and state income tax returns, including all schedules and W-2's, for the three most recent years if not in the possession of the other person.
 - 3. A current financial affidavit, including a description of all assets and liabilities.
- 4. Statements of account or other documentation to support the assets or liabilities listed in the financial affidavit.
- (2) If the action is a modification case or an unmarried custody case, the parties must provide only the information contained in rules 1.500(1)(d)(1)(1) and 1.500(1)(d)(1)(2).
- e. Proceedings exempt from initial disclosure. Unless otherwise ordered by the court or agreed to by the parties, the requirements of rules 1.500(1)(a) through (d) do not apply to the following:
- (1) Actions for certiorari or for judicial review of administrative agency actions under Iowa Code chapter 17A.
 - (2) Actions for forcible entry and detainer.
 - (3) Domestic relations proceedings in which there are no contested claims.
- (4) Adoption proceedings, name change proceedings, actions under Iowa Code chapter 236, and actions initiated by the Child Support Recovery Unit.
 - (5) Foreclosure proceedings in which there are no contested claims.
- (6) Actions for postconviction relief or any other proceeding to challenge a criminal conviction or sentence.
 - (7) Probate proceedings in which there are no contested claims.
 - (8) Juvenile proceedings.
 - (9) Mental health proceedings.
 - (10) Actions under Iowa Code chapters 225, 229, and 229A.
 - (11) Actions to enforce an arbitration award or an out-of-state judgment.
 - (12) Small claims proceedings under Iowa Code chapter 631.
- f. Time for initial disclosures in general. Except in domestic relations proceedings, a party must make the initial disclosures at or within 14 days after the parties' rule 1.507 discovery conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in the action and states the objection in the proposed discovery plan. In ruling on the objection, the court must determine what disclosures, if any, are to be made and must set the time for disclosure. In domestic relations proceedings, a party must make the initial disclosures within 60 days of filing of the petition unless a different time is set by stipulation or court order or unless the court, upon motion, relieves the parties from the obligation to provide initial disclosures.
- g. Time for initial disclosures for parties served or joined later. A party who is first served or otherwise joined after the rule 1.507 discovery conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order.
- h. Basis for initial disclosure; unacceptable excuses. A party must make the initial disclosures based on the information then reasonably available to the party. A party is not excused from making the disclosures because the party has not fully investigated the case, because the party challenges the

sufficiency of another party's disclosures, because another party has not made that party's disclosures, or because the information is in the possession, custody, or control of the party's insurance carrier.

COMMENT:

Rule 1.500. The entirety of rule 1.500 is added. With some modifications, the rule adopts the required disclosures currently used by the federal courts and by a number of states that have also recently engaged in civil justice reform. Like its federal counterpart, the rule seeks to accelerate the exchange of basic information and eliminate the delay and expense of serving formal discovery requests seeking routine information that will be produced as a matter of course in most cases.

The information disclosed under rule 1.500(1) is subject to a continuing duty to supplement. *See* rule 1.500(5). [Court Order August 28, 2014, effective January 1, 2015]

1.500(2) Disclosure of expert testimony.

- a. In general. In addition to the disclosures required by rule 1.500(1), a party must disclose to the other parties the identity of any witness the party may use at trial to present evidence under Iowa Rules of Evidence 5.702, 5.703, and 5.705.
- b. Witnesses who must provide a written report. Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. The report must contain the following:
- (1) A complete statement of all opinions the witness will express and the basis and reasons for them.
 - (2) The facts or data considered by the witness in forming the opinions.
 - (3) Any exhibits that will be used to summarize or support the opinions.
- (4) The witness's qualifications, including a list of all publications authored in the previous ten years.
- (5) A list of all other cases in which, during the previous four years, the witness testified as an expert at trial or by deposition.
 - (6) A statement of the compensation to be paid for the study and testimony in the case.
- c. Witnesses who do not provide a written report. Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report, this disclosure must state:
- (1) The subject matter on which the witness is expected to present evidence under Iowa Rules of Evidence 5.702, 5.703, or 5.705.
 - (2) A summary of the facts and opinions to which the witness is expected to testify.
- d. Time to disclose expert testimony. A party must make these disclosures at the times and in the sequence set forth in the court's trial scheduling order. If not otherwise ordered, expert disclosures shall be due:
 - (1) No later than 90 days before the date set for trial; or
- (2) Within 30 days after the other party's disclosures if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under rule 1.500(2)(b) or (c).
- e. Supplementing disclosures. The parties must supplement these disclosures when required under rule 1.508(3).

COMMENT:

Rule 1.500(2)(d). The rule contemplates that in many, if not most, cases, scheduling of disclosure of expert testimony will be governed by a trial scheduling order. See Iowa R. Civ. P. 1.907; Iowa Ct. R. 23.5—Form 2: Trial Scheduling and Discovery Plan.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

1.500(3) Pretrial disclosures.

- a. In general. In addition to the disclosures required by rules 1.500(1) and 1.500(2), a party must provide to the other parties and promptly file the following information about the evidence the party may present at trial other than evidence to be used solely for impeachment:
- (1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying the witnesses the party expects to present and those the party may call if the need arises.
- (2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.
- (3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises.
- b. Time for pretrial disclosures; objections. Pretrial disclosures must be made at least 14 days before trial. This deadline may be modified by order of the court or stipulation of the parties, provided, however, that the parties may not stipulate to a pretrial disclosure deadline of less than 7 days before trial. A party may serve and promptly file a list of the following objections: any objections to the

use under rule 1.704 of a deposition designated by another party under rule 1.500(3)(a)(2), and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under rule 1.500(3)(a)(3). Objections must be served and filed within 7 days of the pretrial disclosures, or within 4 days if the pretrial disclosure deadline is less than 10 days before trial, unless the court directs otherwise. An objection not so made, except for one under Iowa Rule of Evidence 5.402 or 5.403, is waived unless excused by the court for good cause.

c. Duty to supplement unaffected. Rule 1.500(3) does not affect the obligation of a party to timely supplement disclosures and discovery responses as required by rule 1.503(4)(a)(2). COMMENT:

Rules 1.500(3)(a) and 1.500(3)(b). Rules 1.500(3)(a) and (b) mirror Federal Rule of Civil Procedure 26(a)(3). The duty to disclose final trial witnesses, deposition testimony, and exhibits is governed by the Time Standards for Case Processing in rule 23.5 of the Iowa Court Rules. Rule 23.5 is mandatory and applies to all civil actions. This rule incorporates into the Iowa Rules of Civil Procedure the duty to make pretrial disclosures. Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, implements these and other scheduling deadlines.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

Rule 1.500(3)(b). The federal rules require that pretrial disclosures occur at least 30 days before trial and that objections occur within 14 days thereafter. Former rule 23.5—Form 2 of the Iowa Court Rules imposed a later deadline, requiring disclosure of all witness and exhibit lists at least 7 days before trial, with objections due within 5 days thereafter (2 days before trial). Requiring pretrial disclosures 30 days before trial could result in unnecessary time and effort. The former 7-day deadline, however, may have been in some circumstances too close to trial. Rule 1.500(3)(b) requires parties to make pretrial disclosures two weeks in advance of trial, unless they stipulate to a different deadline, which cannot be less than one week before trial. The rule also gives opposing parties one week thereafter to respond, unless the disclosure deadline was less than 10 days before trial. Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan reflects these changes. [Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

1.500(4) Form of disclosures. Unless the court orders otherwise, all disclosures under rule 1.500 must be in writing, signed, and served.

1.500(5) Supplementing the disclosures. The parties must supplement these disclosures when required under rules 1.503(4) and 1.508(3).

1.500(6) Effective date. Rule 1.500 applies only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rule as part of a pretrial order.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015]

Rule 1.501 Discovery methods.

1.501(1) In addition to the disclosures required by rule 1.500, and subject to the timing provisions of rule 1.505, parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

1.501(2) The rules providing for discovery and inspection should be liberally construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding and to provide the parties with access to all relevant facts

1.501(3) Discovery must be conducted in good faith, and responses to discovery requests, however made, must fairly address and meet the substance of the request. Any discovery motion presented to the court must include a certification that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer.

COMMENT:

Rule 1.501(3). The rule makes the certification of conference requirement apply to all discovery motions. A similar provision is contained in rule 1.504(3) governing motions for protective order and in rule 1.517(5) governing sanctions and motions to compel. Telephonic conferences satisfy the conference requirement of these rules. [Court Order August 28, 2014, effective January 1, 2015]

1.501(4) A rule requiring a matter to be under oath may be satisfied by an unsworn written statement in substantially the following form: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Date Signature"

[Report 1943; amendment 1957; amendment 1967; amendment 1973; February 13, 1986, effective July 1, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.502 Discovery materials not filed. Unless otherwise ordered by the court, no deposition, notice of deposition, interrogatory, request for production of documents, request for admission, or response, document or thing produced, or objection thereto shall be filed with the clerk. Any motion under rule 1.517 attacking the sufficiency of a response to a discovery request must have a copy of the request and response attached or the motion may be denied. This rule does not apply to depositions to perpetuate testimony under rules 1.721 through 1.728.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.503 Scope of discovery. Unless otherwise limited by order of the court in accordance with the rules in this chapter, the scope of discovery shall be as provided in this division.

- **1.503(1)** In general. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, the identity and location of persons having knowledge of any discoverable matter, and the identity of witnesses the party expects to call to testify at the trial. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- a. Unless otherwise provided in a request for discovery, a request for the production of a "document" or "documents" shall encompass electronically stored information. Any reference in the rules in this division to a "document" or "documents" shall encompass electronically stored information.
 - b. All discovery is subject to the limitations of rule 1.503(8).

1.503(2) Insurance agreements. In addition to the initial disclosures required by rule 1.500(1)(a)(4), a party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this rule, an application for insurance shall not be treated as part of an insurance agreement.

COMMENT:

Rule 1.503(2). Notwithstanding the initial disclosure obligation in rule 1.500(1)(a)(4), rule 1.503(2) clarifies that additional discovery regarding insurance is still allowed, but the fruits of that discovery will not necessarily be admissible. [Court Order August 28, 2014, effective January 1, 2015]

1.503(3) Trial-preparation materials. Subject to the provisions of rule 1.508, a party may obtain discovery of documents and tangible things otherwise discoverable under rule 1.503(1) and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and that the party seeking discovery is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of rule 1.517(1)(d) apply to the award of expenses incurred in relation to the motion. For purposes of this rule, a statement previously made is any of the following:

a. A written statement signed or otherwise adopted or approved by the person making it.

- b. A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.
- **1.503(4)** Supplementing disclosures and responses. A party who has made a disclosure under rule 1.500, or who has responded to a request for discovery, must timely supplement or correct the party's disclosure or response as follows:
- a. A party must timely supplement or correct any disclosure or response that concerns any of the following:
 - (1) The identity and location of persons having knowledge of discoverable matters.
 - (2) The identity of each person expected to be called as a witness at trial.
 - (3) Any matter that bears materially upon a claim or defense asserted by any party to the action.
- b. A party is under a duty seasonably to supplement or correct its disclosure or a prior response if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.
- c. As provided in rule 1.508(3), a party must supplement discovery as to experts and the substance of their testimony.
- d. An additional duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through new requests to supplement prior responses.

 COMMENT:

Rule 1.503(4)(b). The amendment eliminates the "knowing concealment" requirement that had triggered the duty to supplement incorrect discovery responses. Rule 1.503(4)(b) now tracks the federal rule by requiring supplementation of any response that the answering party learns is materially incomplete or incorrect unless that information has already otherwise been disclosed in discovery. See Fed. R. Civ. P. 26(e)(1)(A).

[Court Order August 28, 2014, effective January 1, 2015]

- **1.503(5)** Claims of privilege or protection of trial-preparation materials.
- a. Information withheld. When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial-preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.
- b. Information produced. If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received that information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The producing party must preserve the information until the claim is resolved.
 - **1.503(6)** Signing disclosures and discovery requests, responses, and objections.
- a. Signature required; effect of signature. Every disclosure under rule 1.500 and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's own name—or by the party personally, if unrepresented—and must state the signer's name, law firm, or name of partnership, association, corporation, or tribe on behalf of which the filing agent is signing, and mailing address, telephone number, and electronic mail address. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry:
 - (1) The disclosure is complete and correct as of the time it is made.
 - (2) The discovery request, response, or objection is:
- 1. Consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law.
- 2. Not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- 3. Neither unreasonable or unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.
- b. Failure to sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection until it is signed, and the court must strike it unless a signature is promptly supplied after the omission is called to the attorney's or party's attention.

c. Sanction for improper certification. If a certification violates this rule without substantial justification, the court, on motion or on its own, shall impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney fees, caused by the violation.

COMMENT:

Rule 1.503(6). The rule is patterned on Federal Rule of Civil Procedure 26(g). Having a separate certification requirement tailored specifically to discovery more effectively deters discovery abuse. *See* rule 1.413(1) (providing that its certification obligation does not apply to discovery).

[Court Order August 28, 2014, effective January 1, 2015]

- **1.503(7)** Reliance on disclosures and discovery responses of other parties. Any party may rely on any other party's disclosures or discovery responses to the extent permitted by otherwise applicable evidentiary rules and regardless of when that party is joined. Unless requested to do so by a current party, the responding party has no duty to supplement its responses to discovery requests after the propounding party has been dismissed from the case.
- **1.503(8)** Limitations on frequency and extent. On motion or on its own, the court shall limit the frequency or extent of discovery otherwise allowed by these rules if it determines that:
- a. The discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;
- b. The party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or
- c. The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

[Report 1943; amendment 1973; amended by 65GA, ch 315, §3; amendment 1980; Report February 13, 1986, effective July 1, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: Rule 1.503(4) states the duty to supplement in the affirmative and expands that duty to require supplementation as to material matters and as to experts.

Rule 1.504 Protective orders.

- **1.504(1)** Upon motion by a party or by the person from whom discovery is sought or by any person who may be affected thereby, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the district where the deposition is to be taken:
- a. May make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
 - (1) That the discovery not be had.
- (2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place, or the allocation of expenses.
- (3) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery.
- (4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters.
 - (5) That discovery be conducted with no one present except persons designated by the court.
 - (6) That a deposition after being sealed be opened only by order of the court.
- (7) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.
- (8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.
- b. On motion or on its own, shall limit the frequency and extent of use of the methods described in rule 1.501(1) in accordance with the limitations of rule 1.503(8).

 COMMENT:

Rule 1.504(1). Rather than repeating the proportionality limitations contained in the scope of discovery, rule 1.504(1) cross-references proportionality. Additionally, in recognition of the court's independent obligation to ensure the proportionality of discovery, rule 1.504(2) expressly authorizes the court to limit sua sponte the frequency and extent of discovery. [Court Order August 28, 2014, effective January 1, 2015]

1.504(2) A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show

that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of rule 1.503(8). The court may specify conditions for the discovery.

1.504(3) A motion for protective order must include a certification that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of rule 1.517(1)(d) apply to the award of expenses incurred in relation to the motion. [Report 1943; amendment 1965; amendment 1970; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 1.505 Timing and sequence of discovery.

1.505(1) Timing.

- a. A party may not seek discovery from any source before the parties have conferred as required by rule 1.507, except in a proceeding exempt from initial disclosure under rule 1.500(1)(e), or when authorized by these rules, by stipulation, or by court order. In domestic relations proceedings, unless it has been stipulated or ordered that initial disclosures under rule 1.500(1)(d) need not be made, a party may not seek discovery from any source before the initial disclosures under rule 1.500(1)(d) have occurred.
- b. The discovery moratorium of rule 1.505(1) applies only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rule as part of a pretrial order.
- **1.505(2)** Sequence. Unless the court upon motion orders otherwise for the convenience of parties and witnesses and in the interests of justice, or the parties stipulate, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

[Report 1943; amendment 1957; amendment 1973; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015; March 7, 2018, effective January 1, 2019]

- Rule 1.506 Stipulations regarding discovery procedure. Unless the court orders otherwise, the parties may by written stipulation do the following:
- **1.506(1)** Provide that depositions may be taken before any qualified person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.
- **1.506(2)** Modify the procedures provided by these rules for other methods of discovery. [Report 1975; amended by 66GA, ch 259, §1; amendment 1976; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: As parties rarely enter into formal stipulations extending the times to answer interrogatories or respond to production requests, the requirement for formal stipulations is removed. Formal stipulations remain required for extensions of time for responding to requests for admissions. The final phrase of the rule clarifies the time within which a response is required in the event the court supersedes a stipulation. Consistent with rule 1.502, the requirement that discovery stipulations be filed, including those regarding responses to requests for admissions, is deleted.

Rule 1.507 Discovery conference of the parties.

- 1.507(1) Conference timing. Except in a proceeding exempt from initial disclosure under rule 1.500(1)(e), a domestic relations proceeding, or when the court orders otherwise, the parties must confer as soon as practicable, but no later than 21 days after any defendant has answered or appeared. In cases transferred to the district court from the small claims court, the parties must confer as soon as practicable, but no later than 21 days after the date the case is docketed in the district court. The plaintiff must notify all parties of the discovery conference deadline. Except as otherwise stipulated or ordered by the court, the filing of a pre-answer motion under rule 1.421 does not affect the obligation to participate in the discovery conference or to make disclosures required by rule 1.500(1).
- **1.507(2)** Conference content; parties' responsibilities. In conferring, parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by rule 1.500(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the

conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within seven days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person. The discovery plan must be submitted in all events prior to the trial-setting conference.

- **1.507(3)** *Discovery plan.* The discovery plan will be included in Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, and except as otherwise ordered by the court, a discovery plan must state the parties' views and proposals on the following:
- a. Changes that should be made in the timing, form, or requirement for disclosures under rule 1.501(1), including a statement of when initial disclosures were made or will be made.
- b. Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.
- c. Issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which the information should be produced.
- d. Issues about claims of privilege or of protection as trial preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include the parties' agreement in an order under Iowa Rule of Evidence 5.502.
- e. Changes that should be made to the limitations on discovery imposed under these rules, and other limitations that should be imposed.
 - f. Any other orders that the court should issue under rule 1.504 or under rule 1.602.
- **1.507(4)** *Pretrial conference.* Following the parties' discovery conference, any party may request the court to convene a pretrial conference under rule 1.602 to resolve any objection or disputed issue identified in the parties' discovery plan.

COMMENT:

Rule 1.507. The rule is substantially rewritten to provide that parties, including pro se litigants, have a duty to confer early in a case and cooperate in framing a discovery plan to submit to the court. The rule is patterned on the federal attorney conference rule, Federal Rule of Civil Procedure 26(f). Rule 1.507 envisions that the discovery conference will occur before the rule 1.906 trial-setting conference. The parties must submit the discovery plan within 7 days after the discovery conference, and initial disclosures are due within 14 days after the discovery conference.

[Court Order August 28 2014, October 30, 2014, effective January 1, 2015]

[Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015; March 7, 2018, effective January 1, 2019]

Rule 1.508 Discovery of experts.

- **1.508(1)** Expert who is expected to be called as a witness. In addition to the disclosures and discovery provided pursuant to rules 1.500(2) and 1.516, discovery of facts known, mental impressions, and opinions held by an expert whom the other party expects to call as a witness at trial, otherwise discoverable under the provisions of rule 1.503(1) and acquired or developed in anticipation of litigation or for trial, may be obtained as follows:
- a. Deposition of an expert who may testify. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If rule 1.500(2)(b) requires a report from the expert, the deposition may be conducted only after the report is provided.
- b. Discovery by other means. Subject to rules 1.508(1)(d) and (e), a party may also obtain discovery of documents and tangible things including all tangible reports, physical models, compilations of data, and other material prepared by an expert or for an expert in anticipation of the expert's trial and deposition testimony. The disclosure of material prepared by an expert used for consultation is required even if it was prepared in anticipation of litigation or for trial when it forms a basis, either in whole or in part, of the opinions of an expert who is expected to be called as a witness.
- c. Tangible form. Subject to rules 1.508(1)(d) and (e), if the discoverable factual observations, tests, supporting data, calculations, photographs, or opinions of an expert who will be called as a witness have not been recorded and reduced to tangible form, the court may order these matters be reduced to tangible form and produced within a reasonable time before the date of trial.
- d. Trial preparation protection for draft reports or interrogatory answers. Rule 1.503(3) protects drafts of any report or disclosure required under rule 1.500(2), regardless of the form in which the draft is recorded.
- e. Trial preparation protection for communications between a party's attorney and expert witnesses. Rule 1.503(3) protects communications between the party's attorney and any witness required to provide a report under rule 1.500(2)(b), regardless of the form of the communications, except to the extent that the communications:

- (1) Relate to compensation for the expert's study or testimony.
- (2) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed.
- (3) Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.
- **1.508(2)** Expert who is not expected to be called as a witness. The disclosure of the same information concerning an expert used for consultation and who is not expected to be called as a witness at trial is required if the expert's work product forms a basis, either in whole or in part, of the opinions of an expert who is expected to be called as a witness. Otherwise, a party may discover the identity of and facts known, or mental impressions and opinions held, by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in rule 1.516 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.
- **1.508(3)** Duty to supplement discovery as to experts. For an expert whose report must be disclosed under rule 1.500(2)(b), the party's duty to supplement extends both to information included in the report and to information given during the expert's deposition. Any additions or changes to this information must be disclosed no later than 30 days before trial. Failure to disclose or supplement the identity of an expert witness or the information described in rule 1.500(2) is subject to sanctions under rule 1.517(3)(a).
- **1.508(4)** Expert testimony at trial. The expert's direct testimony at trial may not be inconsistent with or go beyond the fair scope of the expert's disclosures, report, deposition testimony, or supplement thereto.
- 1.508(5) Expert fees during discovery. Unless manifest injustice would result, the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under rules 1.508(1) and 1.508(2). With respect to discovery obtained under rule 1.508(1), the court may require, and with respect to discovery obtained under rule 1.508(2), the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert. Any fee which the court requires to be paid shall not exceed the expert's customary hourly or daily fee; and, in connection with a party's deposition of another party's expert, shall include the time reasonably and necessarily spent in connection with such deposition, including time spent in travel to and from the deposition, but excluding time spent in preparation.
- **1.508(6)** Effective date. Rules 1.508(1)(a), 1.508(d), 1.508(1)(e), and 1.508(3) apply only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rules as part of a pretrial order.

[Report 1943; amendment 1957; amendment 1973; Report May 28, 1987, effective August 3, 1987; June 23, 1988, effective September 1, 1988; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.509 Interrogatories to parties.

1.509(1) Availability; procedures for use.

- a. Except in small claims, any party may serve written interrogatories to be answered by another party or, if the other party is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party.
- b. Each interrogatory, unless the court has ordered otherwise, must be provided in an electronic word processing format. An interrogatory that does not comply with this requirement shall be subject to objection.
- c. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. A party may answer an interrogatory in whole or in part subject to an objection without waiving that objection. Any answer so provided is subject to the duty to supplement set forth in rule 1.503(4), but the party does not waive the objection by supplementing. Where an answer is provided subject to an objection, the answering party must specify the extent to which the requested information has not been provided.

- d. A party answering interrogatories must set out each interrogatory immediately preceding the answer to it. A failure to comply with this rule shall be deemed a failure to answer and shall be subject to sanctions as provided in rule 1.517. Answers are to be signed by the person making them. Answers shall not be filed; however, they shall be served upon all adverse parties within 30 days after the interrogatories are served. Objections, if any, must be signed by the attorney who objects and must be served within 30 days after the interrogatories are served. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under rule 1.517(1) with respect to any objection to or other failure to answer an interrogatory.
- e. Except as provided in rule 1.509(4), or unless otherwise stipulated or ordered by the court for good cause shown, a party must not serve on any other party more than 30 interrogatories, including all discrete subparts. Any discrete subpart to a nonpattern interrogatory will be considered a separate interrogatory. A motion for leave of court to serve more than 30 interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

 COMMENT:

Rule 1.509(1)(c). The rule mirrors Federal Rule of Civil Procedure 33(b)(3) and (4) in requiring that objections to interrogatories be specific and providing that any ground not raised in a timely objection is waived. The rule further allows a party to respond to an interrogatory subject to an objection without waiving that objection. In such cases, however, the responding party must clearly indicate whether any responsive information is being withheld subject to the objection. [Court Order August 28, 2014, effective January 1, 2015]

1.509(2) *Scope*; use at trial.

- a. Interrogatories may relate to any matters which can be inquired into under rule 1.503, including a statement of the specific dollar amount of money damages claimed, the amounts claimed for separate items of damage, and the names and addresses of witnesses the party expects to call to testify at the trial. Interrogatory answers may be used to the extent permitted by the rules of evidence.
- b. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.
- **1.509(3)** Option to produce business records. Where the answer to an interrogatory may be derived or ascertained from the business records, including electronically stored information, of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the party serving the interrogatory to locate and identify as readily as can the party served, the records from which the answer may be ascertained.
- **1.509(4)** Pattern interrogatories. The supreme court, by supervisory order or otherwise, may approve pattern interrogatories for different classes of cases. Any pattern interrogatory and its subparts are counted as one interrogatory.

COMMENT:

Rule 1.509(4). Parties are encouraged to use supreme court-approved pattern discovery when appropriate. A party may use one or more pattern interrogatories that are part of an approved set of pattern interrogatories. Any approved pattern interrogatory is counted as one interrogatory in determining the total number of permissible interrogatories, regardless of the number of subparts or multiple inquiries within the interrogatory. In contrast, each discrete subpart of a nonpattern interrogatory will count as a separate interrogatory. A party may combine pattern interrogatories with other interrogatories, subject to applicable limitations as to number. A party should not serve pattern interrogatories that have no application to the case. [Court Order August 28, 2014, effective January 1, 2015]

[Report 1943; amendment 1957; amendment 1973; amendment 1975; amendment 1976; amendment 1980; amendment 1983; amendment 1984; Report April 30, 1987, effective July 1, 1987; November 30, 1993, effective March 1, 1994; September 23, 1994, effective January 3, 1995; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 17, 2006, effective May 1, 2006; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: The requirement to file answers or objections, absent court order, is eliminated. Notices of serving interrogatories are abolished. Rule 1.509(2) adds to the permissible scope of interrogatories the amounts claimed for items of damages approved by the court in *Gordon v. Noel*, 356 N.W. 2d 559 (Iowa 1984), and the addresses of trial witnesses.

Rule 1.510 Requests for admission.

1.510(1) Availability; procedures for requests. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of rule 1.503 set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying.

Each matter of which an admission is requested shall be separately set forth.

A party shall not serve more than 30 requests for admission on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than 30 requests for admission must be in writing and shall set forth the proposed requests and the reasons establishing good cause for their use.

1.510(2) *Time for and content of responses.* The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may on motion allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of 60 days after service of the original notice upon defendant.

If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the party's answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of rule 1.517(3) deny the matter or set forth reasons why the party cannot admit or deny it.

1.510(3) Determining sufficiency of responses. The party who has requested the admission may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial. The provisions of rule 1.517(1)(d) apply to the award of expenses incurred in relation to the motion. [Report 1943; amendment 1957; amendment 1973; amendment 1984; February 13, 1986, effective July 1, 1986; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; March 7, 2018, effective January 1, 2019]

Rule 1.511 Effect of admission. Any matter admitted under rule 1.510 is conclusively established in the pending action unless the court on motion permits withdrawal or amendment of the admission. Subject to the provisions of rule 1.604 governing amendment of a pretrial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining that party's action or defense on the merits. Any admission made by a party under rule 1.510 may be used only as an evidentiary admission in any other proceeding. [Report 1943; amendment 1957; amendment 1973; February 13, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002; July 11, 2002, effective October 1, 2002]

Rule 1.512 Production of documents, electronically stored information, and things; entry upon land for inspection and other purposes.

1.512(1) *Requests.* Any party may serve on any other party a request:

a. To produce and permit the party making the request, or someone acting on that party's behalf, to inspect, copy, test, or sample any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained—translated, if necessary, by the respondent into a reasonably usable form.

- b. To inspect, copy, test, or sample any designated tangible things which constitute or contain matters within the scope of rule 1.503 and which are in the possession, custody or control of the party upon whom the request is served.
- c. To permit, except as otherwise provided by statute, entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of rule 1.503.

1.512(2) *Procedure.*

- a. Making requests. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The request may specify the form in which electronically stored information is to be produced.
 - b. Responses and objections.
- (1) The party upon whom the request is served shall serve a written response within 30 days after the service of the request. The court may allow a shorter or longer time.
- (2) For each item or category, the response must state that inspection and related activities will be permitted as requested or state the grounds for objecting to the request with specificity, including reasons. If the responding party states that the party will produce copies of documents or of electronically stored information instead of permitting inspection, the production must be completed no later than the time for inspection stated in the request or a later reasonable time stated in the response.
- (3) Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. A party may respond to a request in whole or in part subject to an objection without waiving that objection. Any response so provided is subject to the duty to supplement set forth in rule 1.503(4), but the party does not waive the objection by supplementing.
- (4) An objection must state whether any responsive materials are being withheld on the basis of the objection. An objection to part of a request must specify the part and permit inspection of the rest. When a response is provided subject to an objection, the responding party must specify the extent to which the requested information has not been provided.
- (5) The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form for producing electronically stored information, or if no form was specified in the request, the responding party must state the form or forms it intends to use.
- c. Motion to compel. The party submitting the request may move for an order under rule 1.517 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.
 - d. Production. Unless the parties otherwise agree, or the court otherwise orders:
- (1) A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.
- (2) If a request does not specify the form for producing electronically stored information, the responding party must produce the information in a form in which it is ordinarily maintained or in a form that is reasonably usable.
 - (3) A party need not produce the same electronically stored information in more than one form.
- **1.512(3)** *Pattern requests.* The supreme court, by supervisory order or otherwise, may approve pattern requests for production for different classes of cases.

[Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 1.513 Reserved.

Rule 1.514 Action for production or entry against persons not parties. Rule 1.512 does not preclude an independent action against a person not a party for production of documents and things and permission to enter upon land.

[Report 1943; amendment 1957; amendment 1973; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.515 Physical and mental examination of persons. When the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by a health care practitioner or to produce for examination the person in the party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made. [Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: Rule 1.515 expands the category of those who can conduct a court-ordered physical or mental examination from only physicians to all health care practitioners.

Rule 1.516 Report of health care practitioner.

- **1.516(1)** If requested by the party against whom an order is made under rule 1.515 or the person examined, the party causing the examination shall deliver a copy of the examiner's detailed written report setting out the findings, including results of all tests made, diagnosis and conclusions, together with like reports of all earlier examinations of the same condition. After delivery, if requested by the party causing the examination, the party against whom the order is made shall deliver a like report of any examination of the same condition, previously or thereafter made, unless the party shows an inability to obtain a report of examination of a nonparty. The court on motion may order a party to deliver a report on such terms as are just. If an examiner fails or refuses to make a report the court may exclude the examiner's testimony if offered at the trial.
- **1.516(2)** By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege the party may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.
- **1.516(3)** This rule applies to examination made by agreement of the parties, unless the agreement expressly provides otherwise. This rule does not preclude discovery of a report of an examiner or the taking of a deposition of the examiner in accordance with the provisions of any other rule or statute. [Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.517 Consequences of failure to make disclosures or discovery.

- **1.517(1)** *Motion for order compelling disclosures or discovery.* A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order compelling disclosure or discovery as follows:
- a. Appropriate court. A motion for an order to a party may be made to the court in which the action is pending, or, on matters relating to a deposition, to the court in the district where the deposition is being taken. A motion for an order to a deponent who is not a party shall be made to the court in the district where the deposition is being taken.
 - b. Specific motions.
- (1) *To compel disclosure*. If a party fails to make a disclosure required by rule 1.500, any other party may move to compel disclosure and for appropriate sanctions.
- (2) To compel a discovery response. If a deponent fails to answer a question propounded or submitted under rule 1.701 or 1.710, or a corporation or other entity fails to make a designation under rule 1.707(5), or a party fails to answer an interrogatory submitted under rule 1.509, or if a party, in response to a request for inspection submitted under rule 1.512, fails to produce documents, or fails to respond that inspection will be permitted, or fails to permit inspection, the party seeking discovery may move for an order compelling an answer, a designation, or an inspection in accordance with the request.
- (3) Related to a deposition. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before moving for an order.
- (4) *Default; notice; protective orders.* If a motion to compel is filed and the time for resistance of that motion has expired without a resistance having been filed, the court may grant the motion without a hearing.
- (5) *Sanctions*. Any order granting a motion made under this rule shall include a statement that a failure to comply with the order may result in the imposition of sanctions pursuant to rule 1.517.

- (6) *Protective order.* In ruling on such motion, the court may make such protective order as it would have been empowered to make on a motion pursuant to rule 1.504(1).
- c. Evasive or incomplete answer. For purposes of this rule an evasive or incomplete answer is to be treated as a failure to answer.
 - d. Award of expenses of motion.
- (1) If the motion is granted, or if the disclosure or requested discovery is provided after the motion was filed, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.
- (2) If the motion is denied, the court shall, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.
- (3) If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.
- e. Notice to litigants. If the motion is granted, the court shall direct the clerk to serve a copy of the order to counsel and to the party or parties whose conduct, individually or by counsel, necessitated the motion.

1.517(2) Failure to comply with order.

- a. Sanctions by court in district where deposition is taken. If a deponent fails to be sworn or to answer a question after being directed to do so by the court in the district in which the deposition is being taken, the failure may be considered a contempt of that court.
- b. Sanctions by court in which action is pending. If a party or an officer, director, or managing agent of a party or a person designated under rule 1.707(5) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under rule 1.515 or rule 1.517(1), the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:
- (1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.
- (2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting such party from introducing designated matters in evidence.
- (3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.
- (4) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination.
- (5) In lieu of any of the foregoing orders or in addition thereto, the court shall require the disobedient party or the attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

1.517(3) Failure to disclose, to supplement an earlier response, or to admit.

- a. Failure to disclose or supplement. If a party fails to provide information or identify a witness as required by rule 1.500, 1.503(4), or 1.508(3), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, on motion or after giving an opportunity to be heard:
 - (1) May order payment of the reasonable expenses, including attorney's fees, caused by the failure.
 - (2) May inform the jury of the party's failure.
 - (3) May impose other appropriate sanctions, including any of the orders listed in rule 1.517(2)(b).
- b. Expenses on failure to admit. If a party fails to admit the genuineness of any document or the truth of any matter as requested under rule 1.510, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the requesting party may move for an order requiring the other party to pay the reasonable expenses incurred in making that

proof, including reasonable attorney's fees. The court shall make the order unless it finds any of the following:

- (1) The request was held objectionable pursuant to rule 1.510.
- (2) The admission sought was of no substantial importance.
- (3) The party failing to admit had reasonable grounds to believe that the party might prevail on the matter.
 - (4) There was other good reason for the failure to admit.
- **1.517(4)** Failure of party to attend at own deposition or serve answers to interrogatories or respond to request for inspection. If a party or an officer, director, or managing agent of a party or a person designated under rule 1.707(5) to testify on behalf of a party fails:
- a. To appear before the officer who is to take the person's deposition, after being served with a proper notice; or
- b. To serve answers or objections to interrogatories submitted under rule 1.509, after proper service of the interrogatories; or
- c. To serve a written response to a request for inspection submitted under rule 1.512, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under rule 1.517(2)(b)(1), (2), (3), and (5).
- d. The failure to act described in rule 1.517(4) may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by rule 1.504.
- **1.517(5)** *Motions relating to discovery.* No motion relating to depositions, discovery, or discovery sanctions may be filed with the clerk or considered by the court unless the motion alleges that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer.
- **1.517(6)** Electronically stored information. Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system.
- **1.517(7)** Failure to participate in framing a discovery plan. If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by rule 1.507, the court may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses, including attorney fees, that the failure causes.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: Rule 1.517(1)(b) requires that any order granting a motion to compel discovery shall warn of the possibility of sanctions, and rule 1.517(1)(e) requires that such an order shall be mailed by the clerk to both the attorney and client.

Rules 1.518 to 1.600 Reserved.

DIVISION VIPRETRIAL PROCEDURE

Rule 1.601 Pretrial calendar. The court may provide for a pretrial calendar in any county, which may extend to all actions, or be limited either to jury or nonjury actions. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.602 Pretrial conferences; scheduling; management.

- **1.602(1)** Pretrial conferences; objectives. In any action, the court may in its discretion direct the attorneys for the parties and any unrepresented parties to appear before it for a conference or conferences before trial for such purposes as:
 - a. Expediting the disposition of the action.
- b. Establishing early and continuing control so that the case will not be protracted because of lack of management.
 - c. Discouraging wasteful pretrial activities.
 - d. Improving the quality of the trial through more thorough preparation.
 - e. Facilitating the settlement of the case.

1.602(2) *Scheduling and planning.*

- a. Upon application of any party or on the court's own motion, except in categories of cases exempted by supreme court rule as inappropriate, the court or its designee shall enter a scheduling order setting time limits for all of the following:
 - (1) Joining other parties.
 - (2) Designating experts.
 - (3) Completing discovery.
 - (4) Amending the pleadings.
 - (5) Filing and hearing motions.
- b. After consulting with the attorneys for the parties and any unrepresented parties, the court may also order any of the following:
- (1) Special procedures, including assignment to a single judge, for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems.
 - (2) Provisions for discovery of electronically stored information.
- (3) Any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation materials after production.
 - (4) The date or dates for conferences before trial, a final pretrial conference and trial.
- (5) Any other matters appropriate in the circumstances of the case including extension of those deadlines which are then justified.
 - c. A schedule shall not be modified except by leave of the court upon a showing of good cause.
- **1.602(3)** Subjects to be discussed at pretrial conferences. The court at any conference under this rule may consider and take action with respect to the following:
- a. The formulation and simplification of the issues, including the elimination of frivolous claims or defenses.
 - b. The necessity or desirability of amendments to the pleadings.
- c. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence.
- d. The avoidance of unnecessary proof including limitation of the number of expert witnesses and of cumulative evidence.
- e. The identification of witnesses and documents, the need and schedule for filing and exchanging pretrial briefs, and the date or dates for further conferences and for trial.
 - f. The advisability of referring matters to a master.
- g. The possibility of settlement and imposition of a settlement deadline or the use of extrajudicial procedures to resolve the dispute.
 - h. The substance of the pretrial order.
 - i. The disposition of pending motions.
 - j. Settling any facts of which the court is to be asked to take judicial notice.
 - k. Specifying all damage claims in detail as of the date of conference.
 - l. All proposed exhibits and mortality tables and proof thereof.
 - m. Consolidation, separation for trial, and determination of points of law.
 - n. Questions relating to voir dire examination of jurors.
 - o. Filing of advance briefs when required.
 - p. Such other matters as may aid in the disposition of the action.

At least one of the attorneys for each party participating in any conference before trial shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

- **1.602(4)** Final pretrial conference. A final pretrial conference shall be held as close to the time of trial as reasonable under the circumstances. The participants at any such conference shall formulate a plan for trial, including a program for facilitating the admission of evidence. The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.
- **1.602(5)** Sanctions. If a party or party's attorney fails to obey a scheduling or pretrial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith, the court, upon motion or the court's own initiative, may

make such orders with regard thereto as are just, and among others any of the orders provided in rule 1.517(2)(b)(2) - (4). In lieu of or in addition to any other sanction, the court shall require the party or the attorney representing that party or both to pay the reasonable expenses incurred because of any noncompliance with this rule, including attorney's fees, unless the court finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

[Report 1943; amendment 1961; amendment 1979; amendment 1982; amendment 1983; Report June 16, 1987, effective September 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.603 Pretrial conference; record. On the request of any interested counsel or the court, the reporter must record the entire conference, or any designated part thereof. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.604 Pretrial orders. After any conference held pursuant to rule 1.602, an order shall be entered reciting the action taken. This order shall control the subsequent course of the action unless modified by a subsequent order. The order following a final pretrial conference shall be in accordance with the final pretrial order form found in rule 1.1901, form 6, and shall be modified only to prevent manifest injustice.

[Report 1943; amendment 1957; Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002]

Rules 1.605 to 1.700 Reserved.

DIVISION VII

DEPOSITIONS AND PERPETUATING TESTIMONY

A. DEPOSITIONS

Rule 1.701 Depositions upon oral examination.

1.701(1) When depositions may be taken.

- a. Without leave. Any party may, by deposition upon oral examination, take the testimony of any person, including a party, without leave of court except as provided in rule 1.701(b). The attendance of witnesses may be compelled by subpoena as provided in rule 1.715.
 - b. With leave. Leave of court, granted with or without notice, must be obtained if:
- (1) The parties have not stipulated to the deposition and the party seeks to take the deposition before the time specified in rule 1.505(1), unless special notice is given as provided in rule 1.701(2); or
- (2) The parties have not stipulated to the deposition and the deponent has already been deposed in the case; or
 - (3) The deponent is confined in prison.
- **1.701(2)** Special notice for taking of deposition by plaintiff. Leave of court is not required for the taking of a deposition by plaintiff if the notice, in addition to those things required by rule 1.707(1), does the following:
- a. States that the person to be examined is about to go out of the state and will be unavailable for examination unless the person's deposition is taken before the expiration of ten days after the date for motion or answer for any defendant.
- b. Sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and the attorney's signature constitutes a certification by the attorney that to the best of the attorney's knowledge, information, and belief the statement and supporting facts are true.

If a party shows that upon being served with notice under this rule, the party was unable through the exercise of diligence to obtain counsel to represent the party at the taking of the deposition, the deposition may not be used against that party.

- **1.701(3)** Enlarging and shortening time. The court may for cause shown enlarge or shorten the time for taking the deposition.
- **1.701(4)** Recording. The court may upon motion order that the testimony at a deposition be recorded by other than stenographic means, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to ensure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may nevertheless arrange to have a stenographic transcription made at the party's own expense. Leave of court is

not required to record testimony by nonstenographic means if the deposition is also to be recorded stenographically.

- **1.701(5)** Place of deposition.
- a. Oral depositions may be taken only within this state or within 100 miles from the nearest Iowa point. But, upon motion of the party desiring the deposition, and after hearing on notice to the other parties, the court may order it orally taken at any other specified place, if the issue is sufficiently important and the testimony cannot reasonably be obtained by written interrogatories or by deposition by telephone.
- b. If the deponent is a party or the officer, partner or managing agent of a party which is not a natural person, the deponent shall be required to submit to examination in the county where the action is pending, unless otherwise ordered by the court.
 - **1.701(6)** Failure to attend or serve subpoena; expenses.
- a. If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by the other party and the other party's attorney in attending, including reasonable attorney's fees.
- b. If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness does not attend because of such failure, and if another party attends in person or by attorney because such other party expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by the other party and the other party's attorney in attending, including reasonable attorney's fees.
- **1.701(7)** *Depositions by telephone.* Any deposition permitted by the rules in this chapter may be taken by telephonic means.

A party desiring to take the deposition of any person upon oral examination by telephonic means shall give reasonable notice thereof in writing to every other party to the action. Such notice shall contain all other information required by rule 1.707(1) and shall state that the telephone conference will be arranged and paid for by the initiating party. No part of the expense for telephone service shall be taxed as costs.

The person reporting the testimony shall be in the presence of the witness unless otherwise agreed by all parties.

If any examining party desires to present exhibits to the witness during the deposition, copies shall be sent to the deponent and the parties prior to the taking of the deposition.

Nothing in this rule shall prohibit a party or counsel from being in the presence of the deponent when the deposition is taken.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.702 Depositions in small claims. In small claims, depositions may not be taken unless leave of court is first obtained on notice and showing of just cause therefor and upon such terms as justice may require.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: The revised rule requires leave of court before any depositions may be taken in a small claims case. The prior rule required leave of court for discovery depositions and did not address depositions for evidentiary purposes. The distinction between discovery and evidentiary depositions was previously abolished.

Rule 1.703 Deposition notice to parties in default. A party requiring proof to obtain a judgment against a defaulted party may take depositions after serving notice on the attorney of record for the defaulted party, or on any defaulted party having no attorney of record. Parties in default are not entitled to notice as to depositions taken under any other rule.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002] **COMMENT:** The rule eliminates the requirement that a copy of the deposition notice be served on the Clerk if the defaulted party has no attorney and adds a requirement that notice be given to any defaulted party who has no attorney of record.

Rule 1.704 Use of depositions. Any part of a deposition, so far as admissible under the rules of evidence, may be used upon the trial or at an interlocutory hearing or upon the hearing of a motion in the same action against any party who appeared when it was taken, or stipulated therefor, or had due notice thereof, to do any of the following:

1.704(1) To impeach or contradict deponent's testimony as a witness.

- **1.704(2)** For any purpose if, when it was taken, deponent was a party adverse to the offeror, or was an officer, partner, or managing agent of any adverse party which is not a natural person.
- 1.704(3) For any purpose, if the court finds that the offeror was unable to procure deponent's presence at the trial by subpoena; or that deponent is out of the state and such absence was not procured by the offeror; or that deponent is dead, or unable to testify because of age, illness, infirmity, or imprisonment.
- **1.704(4)** For any purpose, if it was taken of an expert witness specially retained for litigation; or the deponent was a health care practitioner offering opinions or facts concerning a party's physical or mental condition.
- **1.704(5)** On application and notice, the court may also permit a deposition to be used for any purpose, under exceptional circumstances making it desirable in the interests of justice; having due regard for the importance of witnesses testifying in open court.

[Report 1943; amendment 1957; Report August 27, 1987, effective November 2, 1987; Report March 21, 1989, effective June 1, 1989; November 9, 2001, effective February 15, 2002]

Rule 1.705 Effect of taking or using depositions.

- **1.705(1)** If a party offers only part of a deposition, any other party may require an offer of all of the deposition relevant to the portion offered, and any other party may offer other relevant parts.
- **1.705(2)** A party does not make a deponent the party's own witness by taking a deposition or using it solely under rule 1.704(1) or 1.704(2). A party introducing a deposition for any other purpose makes the deponent that party's witness, but may contradict the witness' testimony by relevant evidence. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- **Rule 1.706 Substituted parties; successive actions.** Substitution of parties does not prevent use of depositions previously taken in the action. If an action is dismissed, depositions legally taken therein may be used in any subsequent action involving the same subject matter, between the same parties, their representatives or successors in interest.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.707 Notice for oral deposition.

- 1.707(1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs.
- 1.707(2) If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.
- **1.707(3)** The notice to a party deponent may be accompanied by a request made in compliance with rule 1.512 for the production of documents and tangible things at the taking of the deposition. The procedure of rule 1.512(2) shall apply to the request.
- **1.707(4)** No subpoena is necessary to require the appearance of a party for a deposition. Service on the party or the party's attorney of record of notice of the taking of the deposition of the party or of an officer, partner or managing agent of any party who is not a natural person, as provided in rule 1.707(1), is sufficient to require the appearance of a deponent for the deposition.
- 1.707(5) A notice or subpoena may name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the witness will testify. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This rule does not preclude taking a deposition by any other procedure authorized in the rules in this chapter. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.708 Conduct of oral deposition.

1.708(1) Examination; cross-examination; recording examination; administering the oath; objections; written questions.

- a. Examination and cross-examination; recording examination; administering oath. Examination and cross-examination of witnesses may proceed as permitted at the trial. The officer before whom the deposition is to be taken shall put the witness under oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with rule 1.701(4). If requested by one of the parties, the testimony shall be transcribed.
- b. Objections. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. An objection must be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under rule 1.708(2).
- c. Participating through written questions. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition who shall transmit them to the officer. The officer shall propound them to the witness and record the answers verbatim.
 - **1.708(2)** Sanction; motion to terminate or limit examination.
- a. Sanction. The court may impose an appropriate sanction, including the reasonable expenses and attorney fees incurred by any party, on a person who impedes, delays, or frustrates the fair examination of the deponent.
- b. Motion to terminate or limit. At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the district where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in rule 1.504. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of rule 1.517(1)(d) apply to the award of expenses incurred in relation to the motion.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.709 Reading and signing depositions.

1.709(1) Where reading or signing not required. No oral deposition reported and transcribed by an official court reporter or certified shorthand reporter of Iowa need be submitted to, read or signed by the deponent.

1.709(2) Submission to witness; changes; signing. In other cases, when the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or dead or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission, the officer shall sign it and state on the record the fact of the waiver or of the illness, death, or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor. The deposition may then be used as fully as though signed unless on a motion to suppress under rule 1.717(6) the court holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

[Report 1943; amendment 1963; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.710 Depositions on written interrogatories.

- 1.710(1) A party may take depositions on written interrogatories after first serving all other parties not in default for failure to appear with copies thereof and with a notice stating the name, title, and address of the officer to take them, and the name and address of the deponents.
- **1.710(2)** Other parties may thereafter serve successive interrogatories on each other, but only as follows: Cross-interrogatories within ten days after the notice; redirect interrogatories within five days after the latter service; and recross interrogatories within three days thereafter. On application of any party, the court may, for good cause shown, shorten or enlarge the time for serving any such succeeding interrogatories.
- **1.710(3)** Within the time required for cross-interrogatories, a party may elect instead to appear and orally cross-examine, by serving notice thereof on the party taking the deposition and all other parties. The party taking the deposition shall then within five days serve all parties with notice of the date, hour, and place where the deposition will be taken, which shall allow a reasonable time to enable the parties to attend. A party may waive the original written interrogatories and examine the deponent orally.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002] **COMMENT:** Rules 1.710(2) and 1.710(3) allow all parties, not just those who are adversaries to the party taking the deposition, to serve written interrogatories, elect to appear and orally cross-examine the witness, and receive notice.

Rule 1.711 Answers to interrogatories. The party taking a deposition on written interrogatories shall promptly transmit a copy of the notice and all interrogatories to the officer designated in the notice. The officer shall promptly take deponent's answers thereto and complete the deposition, all as provided in rules 1.708 and 1.709, except that answers need not be taken stenographically. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.712 Certification and return; copies.

- **1.712(1)** The officer shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness. Documents and things produced for inspection during the deposition shall, upon the request of a party, be marked for identification and annexed to the deposition, and may be inspected and copied by any party, except that:
- a. The person producing the materials may substitute copies to be marked for identification, if all parties are provided fair opportunity to verify the copies by comparison with the originals.
- b. If the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to the deposition. Any party may move for an order that the original materials be filed with the court, pending final disposition of the case.
- **1.712(2)** Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Report 1943; amendment 1973; amendment 1980; Report October 15, 1993, effective January 3, 1994; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.713 Before whom taken.

- **1.713(1)** The officer taking the deposition shall not be a party, a person financially interested in the action, an attorney or employee of any party, an employee of any such attorney, or any person related within the fourth degree of consanguinity or affinity to a party, a party's attorney, or an employee of either of them.
- **1.713(2)** The officer taking the deposition, or any other person with whom such officer has a principal and agency relationship, shall not enter into an agreement for reporting services which does any of the following:
- a. Requires the court reporter reporting the deposition to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney.
- b. Requires the court reporter to provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation.
 - c. Gives an exclusive monetary or other advantage to any party.
- **1.713(3)** Depositions within the United States or a territory or insular possession thereof may be taken before any person authorized to administer oaths by the laws of the United States, this state, or any other state, or of the place where the examination is held.

- **1.713(4)** Depositions in a foreign land may be taken before a secretary of embassy or legation, or a consul, vice-consul, consul-general or consular agent of the United States, or under rule 1.714.
- **1.713(5)** The deposition of a witness who is in the military or naval service of the United States may be taken before any commissioned officer under whose command the witness is serving, or any commissioned officer in the judge advocate general's department.

[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; April 9, 2003, effective July 1, 2003]

Rule 1.714 Letters rogatory. A commission or letters rogatory to take depositions in a foreign land shall be issued only when convenient or necessary, on application and notice, and on such terms and with such directions as are just and appropriate. They shall specify the officer to take the deposition, by name or descriptive title, and may be addressed: "To the Appropriate Judicial Authority of (country)." [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.715 Deposition subpoena.

- **1.715(1)** On application of any party, or proof of service of a notice to take depositions under rule 1.707 or rule 1.710, the clerk of court where the action is pending shall issue subpoenas for persons named in and described in said notice of application. Subpoenas may also be issued as provided by statute or by rule 1.1701.
- **1.715(2)** No resident of Iowa shall be subpoenaed to attend more than 50 miles from where the deponent resides, or is employed, or transacts business in person.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 10, 2009, effective October 9, 2009]

Rule 1.716 Costs of taking deposition. Costs of taking and proceeding to procure a deposition shall be paid by the party taking it who cannot use it in evidence until such costs are paid. The judgment shall award against the losing party only such portion of these costs as were necessarily incurred for testimony offered and admitted upon the trial.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.717 Irregularities and objections.

- **1.717(1)** *Notice.* All objections to any notice of taking any depositions are waived unless promptly served in writing upon the party giving the notice.
- **1.717(2)** Officer. Objection to the officer's qualification to take a deposition is waived unless made before such taking begins, or as soon thereafter as objector knows it or could discover it with reasonable diligence.
- **1.717(3)** *Interrogatories.* All objections to the form of any written interrogatory served under rule 1.710 are waived unless the objections are served on the interrogating party within the time allowed the objector for serving succeeding interrogatories and, as to the last interrogatories authorized, within three days after the service thereof.
- **1.717(4)** Taking depositions. Errors or irregularities occurring during an oral deposition as to any conduct or manner of taking it, or the oath, or the form of any question or answer, and any other errors which might thereupon have been cured, obviated or removed, are waived unless seasonably objected to during the deposition.
- **1.717(5)** *Testimony.* Except as above provided, testimony taken by deposition may be objected to at the trial on any ground which would require its exclusion if given by a witness in open court, and objections to testimony, or competency of a witness, need not be made prior to or during the deposition, unless the grounds thereof could then have been obviated or removed.
- **1.717(6)** *Motion to suppress.* All objections to the manner of transcribing the testimony, or to preparing, signing, certifying, sealing, endorsing, or transmitting the deposition, or the officer's dealing with it, are waived unless made by motion to suppress the deposition or the part complained of. Such motion shall be filed with reasonable promptness after the objector knows of, or could with reasonable diligence discover, the defect. No such motion shall be sustained unless the defect is substantial and materially affects the right of some party.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

B. PERPETUATING TESTIMONY

- **Rule 1.721 Common law preserved.** Rules 1.722 through 1.728 do not limit the court's common law powers to entertain actions to perpetuate testimony. [Report 1943; November 9, 2001, effective February 15, 2002]
- Rule 1.722 Application before action. An application to take depositions to perpetuate testimony for use in an action not yet pending shall be filed in the court where the prospective action might be brought. The application shall be captioned in the name of the applicant, be supported by affidavit, and show all of the following:
- 1.722(1) That the applicant expects to be a party to an action cognizable in some court of record of Iowa, but which cannot currently be brought.
 - 1.722(2) The subject matter of such action, and the applicant's interest therein.
- 1.722(3) The facts to be shown by the proposed testimony, and reasons for desiring to perpetuate
 - 1.722(4) The name or description of each expected adverse party, with address if known.
- 1.722(5) The name and address of each deponent and the substance of the deponent's testimony. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.723 Notice of application. The applicant shall thereafter serve a notice upon each person named in the application as an expected adverse party, together with a copy of the application, stating that the application will come on for hearing at a time and place named therein. The notice shall be served as provided for the service of original notices other than by publication at least 20 days before the date of hearing. If service cannot with due diligence be so made upon any expected adverse party named in the application, the court may make such order as is just for service by publication or otherwise, or may, upon a showing of extraordinary circumstances, prescribe a hearing upon less than 20 days' notice.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- Rule 1.724 Guardian ad litem. Before hearing the application, the court shall appoint an attorney to act as guardian ad litem for any person under legal disability or not personally served with notice, who shall cross-examine for the ward if any deposition is ordered, and unless an attorney has been so appointed the deposition shall not be admissible against such person in any subsequent action. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.725 Order allowing application. If satisfied that the application is not for the purpose of discovery, and that its allowance may prevent future delay or failure of justice, and that the applicant is unable to bring the contemplated action or cause it to be brought, the court shall order the testimony perpetuated. In its order, the court shall designate the deponents, the subject matter of their examination, the time, location and officer before whom the depositions shall be taken, and whether orally or on written interrogatories.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- **Rule 1.726** Taking and filing testimony. Depositions shall be taken as directed in the court's order; and shall be otherwise governed by rules 1.708 to 1.713 and 1.717. For the purpose of applying these rules to depositions for perpetuating testimony, each reference therein to the court in which the petition was filed shall be deemed to refer to the court in which the application for such deposition was filed. Unless the court enlarges the time, all such depositions must be filed therein within 30 days after the date fixed for taking them, and if not so filed cannot be later received in evidence.
- [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.727 Limitations on use. Any party to any later action involving any expected adverse party who was named in the application and who was served with notice as required in rule 1.723 or the privies or successors in interest of such expected adverse party, may use such deposition, or a certified copy thereof, if the deponent is dead, mentally ill or if the deponent's attendance cannot be obtained. [Report 1943; amended by 58GA, ch 152, §202; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.728 Perpetuating testimony pending appeal. During the time allowed for taking an appeal from judgment of a court of record or during the pendency of such appeal, that court may, on motion, allow testimony to be perpetuated for use in the event of further proceedings before it. The motion shall state the name and address of each proposed deponent, the substance of the deponent's expected testimony, and the reason for perpetuating it. If the court finds such perpetuation is proper to avoid a failure or delay of justice, and the depositions are not sought for discovery, it may order them taken as in rules 1.725 and 1.726. When taken and filed as thus provided, they shall be used and treated as though they had been taken pending the trial of the action.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.729 to 1.800 Reserved.

DIVISION VIII CHANGE OF VENUE

Rule 1.801 Grounds for change. On motion, the place of trial may be changed in the following situations:

1.801(1) County. If the county where the case would be tried is a party, the motion is by an adverse party, the issue is triable by a jury, and a jury has been demanded.

1.801(2) *Interest of judge.* Where the trial judge is directly interested in the action, or related by consanguinity or affinity within the fourth degree to any party.

1.801(3) Prejudice or influence. If the trial judge or the inhabitants of the county are so prejudiced against the moving party, or if an adverse party has such undue influence over the county's inhabitants that the movant cannot obtain a fair trial. The motion in such case shall be supported by affidavit of the movant and three disinterested persons, none being the agent, servant, employee or attorney of the movant, nor related to the movant by consanguinity or affinity within the fourth degree. The other party shall have a reasonable time to file counter affidavits. Affiants may be examined pursuant to rule 1.431(6).

1.801(4) Agreement. Pursuant to written agreement of the parties.

1.801(5) Fraud in contract. A defendant, respondent, or other party, sued in a county where the party does not reside, on a written contract expressly performable in that county, who has filed a sworn answer claiming fraud in the inception of said contract as a complete defense, may have the case transferred to the county of that party's residence. Within ten days after the transfer is ordered, the defendant, respondent, or other party must file a bond in an amount fixed by the court, with sureties approved by the clerk, for payment of all costs; and any judgment rendered against such party shall include costs in a reasonable amount fixed by the court for expenses incurred by plaintiff and plaintiff's attorney by reason of the change.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.802 Limitations. Change of venue shall not be allowed under any of the following circumstances:

1.802(1) In an appeal from a small claims case.

1.802(2) Under rule 1.801(3) where the issues are triable to the court alone, except for prejudice of the judge.

1.802(3) Until the issues are made up, unless the objection is to the judge.

1.802(4) After a continuance, except for a cause arising since such continuance or not known to movant prior thereto.

1.802(5) After one change, for any cause then existing, and known or ascertainable with reasonable diligence.

In no event shall more than two changes be allowed to any party. [Report 1943; July 28, 1986, effective October 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 1.803 Subsequent change. Where the case is tried after a change of place of trial, and the jury disagrees or a new trial is granted, the court may in its discretion allow a subsequent change, under rule 1.801(1), 1.801(2), 1.801(3), or 1.801(4), subject to rule 1.802. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.804 Of whole case. A change may be granted on motion of one of several coparties; and the whole cause shall then be transferred, unless separate trials are granted under rule 1.914. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.805 Where tried. Unless the change is under rule 1.801(5), the court granting it shall order the trial held in a convenient county in the judicial district, or if the ground applies to all such counties, then in another judicial district. If the ground applies only to a judge, the court in its discretion may refuse a change and procure another judge to try the case where it was brought, or the supreme court may designate another judge.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.806 Costs. Unless the change is under rule 1.801(4) or 1.801(5), the order shall designate generally all costs occasioned by the change, which movant must pay before the change is perfected. Failure to make such payment within ten days from the order waives the change of venue. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.807 Transferring cause. When a change is ordered and the required costs paid, the clerk shall forthwith transmit to the proper court a transcript of the proceedings with any original papers and shall retain an authenticated copy. The case shall be docketed in the second court without fee and shall proceed.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.808 Action brought in wrong county.

1.808(1) An action brought in the wrong county may be prosecuted there until termination, unless a defendant, before answer, moves for change to the proper county. Thereupon the court shall order the change at plaintiff's costs, which may include reasonable compensation for defendant's trouble and expense, including attorney's fees, in attending in the wrong county.

1.808(2) If all such costs are not paid within 20 days of the transfer order, the action shall be dismissed. Upon payment of the costs, the clerk shall forthwith transmit to the proper court the transcript of the proceedings, with any original papers, an authenticated copy of which shall be retained. The case shall be docketed in the second court without fee and shall proceed.

[Report 1943; November 30, 1993, effective July 1, 1994; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.809 to **1.900** Reserved.

DIVISION IXTRIAL AND JUDGMENT

A. TRIALS

Rule 1.901 Trials and issues. A trial is a judicial examination of issues in an action, whether of law or fact. Issues arise where a pleading of one party maintains a claim controverted by an adverse party. Issues are either of law or fact. An issue of fact arises on a material allegation of fact in a pleading which is denied in an adversary's pleading or by operation of law. All other issues are issues of law which must be tried first.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.902 Demand for jury trial.

1.902(1) Jury trial is waived if not demanded according to this rule; but a demand once filed may not be withdrawn without consent of all parties not in default.

1.902(2) A party desiring a jury trial of an issue must make written demand therefor not later than ten days after the last pleading directed to that issue. A jury demand may be made in the pleading of a party and shall be noted in the caption. If filed separately with the petition, the jury demand shall be served with the original notice and petition. If filed after the petition, the jury demand shall be served and filed in accordance with rule 1.442.

1.902(3) Unless limited to a specific issue, every demand shall be deemed to include all issues triable to a jury. If a limited demand is filed, any other party may, within ten days thereafter or such shorter time as the court may order, file a demand for a jury trial of some or all other issues.

1.902(4) Notwithstanding the failure of a party to demand a jury in an action in which a demand might have been made of right, the court, in its discretion on motion and for good cause shown, but not ex parte, and upon such terms as the court prescribes, may order a trial by jury of any or all issues. [Report 1943; amendment 1945; amendment 1961; amendment 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.903 Trial of issues; reporting.

- **1.903(1)** *Trial of issues*. All issues shall be tried to the court except those for which a jury is demanded. Issues for which a jury is demanded shall be tried to a jury unless the court finds that there is no right thereto or all parties appearing at the trial waive a jury in writing or orally in open court.
 - **1.903(2)** Reporting. Unless waived by the parties, all trial proceedings shall be reported including:
- a. All oral comments or statements of the court during the progress of the trial, any objections, and the court's rulings.
 - b. The proceedings impaneling the jury, any objections, and the court's rulings.
 - c. Opening statements, any objections, and the court's rulings.
 - d. The oral testimony, offers of proof, any objections, and the court's rulings.
 - e. The fact that the testimony was closed to the public.
- f. The identification of exhibits, by letter or number or other appropriate mark, all written or other evidence offered, any objections, and the court's rulings.
 - g. All motions or other pleas made during the trial, any objections, and the court's rulings.
 - h. Closing arguments, any objections, and the court's rulings.
 - i. The return of the verdict.
- *j*. Any other proceedings before the court or jury which might be preserved and made of record by a bill of exceptions.
- **1.903(3)** Court reporter memorandum. Promptly after reporting a proceeding a court reporter shall file a memorandum that includes all of the following:
 - a. The type of proceeding that was reported.
 - b. The date(s) on which the proceeding occurred.
 - c. The name of the court reporter who reported the proceeding.
 - d. The name of the judge who presided over the proceeding.
 - e. The reporting fee for the proceeding.
- The court reporter shall use the court reporter memorandum form found in rule 1.1901, form 12. The form shall be signed by the court reporter. The court reporter is not required to serve the memorandum on the parties. The district court clerk shall enter the memorandum on the docket. This memorandum shall constitute the certification required by Iowa Code section 624.10.
- **1.903(4)** Transcripts—rates for transcribing a court reporter's official notes. Pursuant to Iowa Code section 602.3202, the maximum compensation of shorthand reporters for transcribing their official notes shall be as provided in Iowa Ct. R. 22.28.
- [Report 1943; November 9, 2001, effective February 15, 2002; April 27, 2006, effective July 1, 2006; March 15, 2007, effective June 1, 2007; July 31, 2008, effective October 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.904 Findings by court.

- **1.904(1)** Findings; conclusions; judgment. The court trying an issue of fact without a jury, whether by equitable or ordinary proceedings, shall find the facts in writing, separately stating its conclusions of law, and direct an appropriate judgment. A party, on appeal, may challenge the sufficiency of the evidence to sustain any finding without having objected to it by motion or otherwise. No request for findings is necessary for purposes of review. Findings of a master shall be deemed those of the court to the extent it adopts them.
- **1.904(2)** Motion to reconsider, enlarge, or amend. On motion joined with or filed within the time allowed for a motion for new trial, the findings and conclusions may be reconsidered, enlarged, or amended and the judgment or decree modified accordingly or a different judgment or decree substituted. Resistances to such motions and replies may be filed and supporting briefs may be served as provided in rules 1.431(4) and 1.431(5).
- **1.904(3)** Motions to reconsider, enlarge, or amend other court orders, rulings, judgments, or decrees; time for filing. In addition to proceedings encompassed by rule 1.904(1), a rule 1.904(2) motion to reconsider, enlarge, or amend another court order, ruling, judgment, or decree will be

considered timely if filed within 15 days after the filing of the order, judgment, or decree to which it is directed.

1.904(4) Successive rule 1.904(2) motions. Successive rule 1.904(2) motions by a party are prohibited unless the court has modified its order, ruling, judgment, or decree and the subsequent rule 1.904(2) motion is directed only at the modification.

COMMENT:

Rules 1.904(3) and 1.904(4). Rules 1.904(3) and 1.904(4) supersede prior case law that held a timely rule 1.904(2) motion must also have been "proper" to extend the time for appeal. *See, e.g., Hedlund v. State*, 875 N.W.2d 720, 725 (Iowa 2016). To obviate controversies over whether a rule 1.904(2) motion tolls the time for appeal, the rule authorizes any timely rule 1.904(2) motion to extend the appeal deadline, subject to one exception in rule 1.904(4).

Under rule 1.904, the timely filing of a rule 1.904(2) motion extends the deadline for filing a notice of appeal or an application for interlocutory appeal. See Iowa R. App. P. 6.101(1)(b) and 6.104(1)(b)(2). However, the rule does not address whether a rule 1.904(2) motion preserves error for purposes of appeal as to evidence or arguments raised for the first time in that motion. See, e.g., Tenney v. Atlantic Associates, 594 N.W.2d 11, 14 (Iowa 1999). The rule also is not intended to affect prior case law concerning a court's inherent authority to reconsider. See Iowa Elec. Light & Power Co. v. Lagle, 430 N.W.2d 393, 395-96 (Iowa 1988). [Court Order November 18, 2016, effective March 1, 2017]

[Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 18, 2016, effective March 1, 2017]

Rule 1.905 Exceptions unnecessary. Exceptions to rulings or orders of court are unnecessary whenever a matter has been called to the attention of the court, by objection, motion or otherwise and the court has ruled thereon.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.906 Civil trial-setting conference. Except in domestic relations proceedings, no later than 21 days after any defendant has answered or appeared, the clerk shall provide a notice of civil trial-setting conference to all parties not in default. The clerk shall use Iowa Court Rule 23.5—Form 1: Notice of Civil Trial-Setting Conference, to provide the notice. The notice shall schedule a trial-setting conference no earlier than 35 days after and no later than 50 days after any defendant has answered or appeared. The parties are responsible for obtaining a timely trial-setting conference regardless of whether a party receives notice of the trial-setting conference. Failure to receive notice shall not be grounds to avoid dismissal under rule 1.944. A party may move for an earlier trial-setting conference upon giving notice to all parties. The court and the parties shall use Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan to set the trial date. If a trial is continued, the court shall set the trial to a date certain. Unless otherwise ordered, all previous deadlines will continue to apply to the case.

COMMENT:

Rule 1.906. Following receipt of the parties' Trial Scheduling and Discovery Plan and after the trial-setting conference, it is contemplated that the district court or its designee will enter an order scheduling trial. This order would also approve, supplement, or modify the terms of the Trial Scheduling and Discovery Plan as needed.

[Court Order October 30, 2014, effective January 1, 2015]

[Report 1943; amendment 1961; amendment 1977; Report 1978, effective July 1, 1979; amendment 1979; amendment 1984; Report May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015]

Rule 1.907 Trial assignments.

1.907(1) Civil cases. The court, in the exercise of its discretion, may assign a case for trial by order upon any one of the following:

- a. The conclusion of a scheduling or pretrial conference.
- b. The conclusion of a trial-setting conference.
- c. The agreement of all parties or their counsel.
- d. The court's own motion after consultation with counsel for all parties. Trial of a dissolution of marriage or a small claim may be set without consulting counsel subject to rescheduling by the court administrator upon the request of counsel in the event of a scheduling conflict.

The court may delegate its power and duty to assign cases for trial to the court administrator or other suitable person.

1.907(2) Small claims appeals. At least twice each month, the clerk of court shall present to a judge authorized by statute to hear the appeal, the file and any transcript or exhibits in each small claims case in which appeal was taken more than 20 days previously. The appeal shall be decided upon the record without oral argument unless, within 20 days after the appeal was taken, a party filed

with the clerk of court a written request for oral argument specifying the issues to be argued, in which event the judge may schedule oral argument. Additional evidence shall not be received except as authorized by statute.

[Report 1961; amended by 62GA, ch 474, §1; amendment 1969; amendment 1979; amended by 1984 Iowa Acts, ch 1322, §8; Report December 3, 1985, effective February 3, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.908 Duty to notify court.

1.908(1) Of settlements. Whenever a case assigned for trial has been settled, it shall be the duty of the attorneys or parties appearing in person to so notify the court immediately.

1.908(2) Of conflicting engagements and termination thereof. When a case assigned for trial is reached and an attorney of record therein is then actually engaged in a trial in another court, it shall be the attorney's duty to so inform the court who may hold the trial of such case in abeyance until the engagement is concluded. As soon as the attorney is free from such engagement, it shall be the attorney's duty to notify the court immediately and stand ready to proceed with trial of the case. [Report 1961; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.909 Fee for late settlement of jury trial. In the event a party waives a jury trial or gives notice of settlement later than two full working days before a civil action is scheduled to be tried to a jury or is reached for jury trial, whichever is later, or the case is settled during trial, a fee of \$1000 shall be assessed as court costs. A late settlement fee shall not be waived by the court nor shall a continuance be granted for purposes of avoiding imposition of this fee. Fees so collected shall be remitted by the clerk to the treasurer of state to be deposited in the general fund of the state. [Report 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; January 7, 2010, effective March 8, 2010; November 30, 2010, effective January 28, 2011]

Rule 1.910 Motions for continuance.

1.910(1) Motions for continuance shall be filed without delay after the grounds therefor become known to the party or the party's counsel. Such motion may be amended only to correct a clerical error.

1.910(2) No case assigned for trial shall be continued ex parte. All motions for continuance in a case set for trial shall be signed by counsel, if any, and approved in writing by the party represented, unless such approval is waived by court order.

[Report 1943; February 13, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 1.911 Causes for continuance.

- **1.911(1)** A continuance may be allowed for any cause not growing out of the fault or negligence of the movant, which satisfies the court that substantial justice will be more nearly obtained. It shall be allowed if all parties so agree and the court approves.
- **1.911(2)** All such motions based on absence of evidence must be supported by affidavit of the party, the party's agent or attorney, and must show the following:
- a. The name and residence of the absent witness, or, if unknown, that affiant has used diligence to ascertain them.
- b. What efforts, constituting due diligence, have been made to obtain the witness' testimony, and facts showing reasonable grounds to believe the testimony will be procured by a certain, specified date.
- c. What particular facts, distinct from legal conclusions, affiant believes the witness will prove, affiant believes the facts to be true, and affiant knows of no other witness by whom the facts can be fully proved.
- **1.911(3)** If the court finds such motion sufficient, the adverse party may avoid the continuance by admitting that the witness if present, would testify to the facts therein stated, as the evidence of such witness.

[Report 1943; amendment 1961; amendment 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.912 Objections; ruling; costs. The adverse party may at once, or within such reasonable time as the court allows, file specific written objections to the motion for continuance, which shall be part of the record. Where the defenses are distinct, the cause may be continued as to any one or

more defendants. Every continuance shall be at the cost of the movant unless otherwise ordered by the court.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.913 Consolidation. Unless a party shows the party will be prejudiced thereby the court may consolidate separate actions which involve common questions of law or fact or order a single trial of any or all issues therein. In such cases it may make such orders concerning the proceedings as tend to avoid unnecessary cost or delay.

[Report 1943; amendment 1955; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.914 Separate trials. In any action the court may, for convenience or to avoid prejudice, order a separate trial of any claim, counterclaim, cross-claim, cross-petition, or of any separate issue, or any number of any of them. Any claim against a party may be thus severed and proceeded with separately.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.915 Impaneling jury.

- **1.915(1)** Selection. At each jury trial a person designated by the court shall select 16 jurors by drawing their names from a box without seeing the names. All jurors so drawn shall be listed. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion
- **1.915(2)** Oath or examination. The prospective jurors shall be sworn. The parties shall have the right to examine those drawn. The court may conduct such examination as it deems proper. It may on its own motion exclude any juror.
- **1.915(3)** Challenges. Challenges are objections to trial jurors for cause, and may be either to the panel or to an individual juror. The court shall determine the law and fact as to all challenges, and must either allow or deny them.
- **1.915(4)** To panel. Before any juror is sworn, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the facts specified. If the court sustains the challenge it shall discharge the jury, no member of which can serve at that trial.
- **1.915(5)** *To juror.* Challenge to an individual juror must be made before the jury is sworn to try the case. On demand of either party to a challenge, the juror shall answer every question pertinent to the inquiry, and other evidence may be taken.
 - **1.915(6)** For cause. A juror may be challenged by a party for any of the following causes:
 - a. Conviction of a felony.
 - b. Want of any statutory qualification required to make that person a competent juror.
 - c. Physical or mental defects rendering the person incapable of performing the duties of a juror.
 - d. Consanguinity or affinity within the ninth degree to the adverse party.
- e. Being a conservator, guardian, ward, employer, employee, agent, landlord, tenant, family member, or member of the household of the adverse party.
 - f. Being a client of the firm of any attorney engaged in the cause.
- g. Being a party adverse to the challenging party in any civil action; or having complained of or been accused by the challenging party in a criminal prosecution.
 - h. Having already sat upon a trial of the same issues.
 - i. Having served as a grand or trial juror in a criminal case based on the same transaction.
- *j.* When it appears the juror has formed or expressed an unqualified opinion on the merits of the controversy, or shows a state of mind which will prevent the juror from rendering a just verdict.
 - k. Being interested in an issue like the one being tried.
 - l. Having requested, directly, or indirectly, that the person's name be returned as a juror.

Exemption from jury service is not a ground of challenge, but the privilege of the person exempt.

1.915(7) *Number; striking.* Each side must strike four jurors. Where there are two or more parties represented by different counsel, the court in its discretion may authorize and fix an additional number

of jurors to be impaneled and strikes to be exercised. After all challenges are completed, plaintiff and defendant shall alternately exercise their strikes.

- **1.915(8)** *Vacancies*. After a challenge is sustained, another juror shall be called and examined and shall be subject to being challenged or stricken as are other jurors.
- **1.915(9)** *Jury sworn*. The names of the eight jurors who remain on the list after all others have been stricken shall be read. These shall constitute the jury and shall be sworn substantially as follows:

"You and each of you do solemnly swear (or affirm) that you will well and truly try the issues wherein _____ is plaintiff and _____ is defendant, and a true verdict render; and that you will do so solely on the evidence introduced and in accordance with the instructions of the court."

[Report 1943: amendment 1980: amendment 1982: 1986 Jowa Acts of 1108, 855: October 31, 1997, effective

[Report 1943; amendment 1980; amendment 1982; 1986 Iowa Acts, ch 1108, §55; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.916 Saturday a religious day. Prior to final submission of the case, no juror whose faith requires observing Saturday as a religious day can be compelled to attend on that day. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.917 Juror incapacity; minimum number of jurors.

- **1.917(1)** *Juror incapacity.* In the event any juror becomes unable to act, or is disqualified, before the jury retires the remaining jurors shall continue to try the case.
- **1.917(2)** *Minimum of six jurors required.* In the event more than two jurors become unable to act, or are disqualified, before the jury retires and renders a verdict, the court shall declare a mistrial. [Report 1943; amendment 1980; November 9, 2001, effective February 15, 2002]
- **Rule 1.918 Returning ballots to box.** When a jury is sworn, the ballots containing the names of those absent or excused from the trial shall be immediately returned to the box. Those containing the names of jurors sworn shall be set aside, and returned to the box immediately on the discharge of that jury.

[Report 1943; November 9, 2001, effective February 15, 2002]

- Rule 1.919 Procedure after jury sworn. After the jury is sworn, the trial shall proceed in the following order:
- **1.919(1)** The party having the burden of proof on the whole action may briefly state the party's claim, and by what evidence the party expects to prove it.
 - 1.919(2) The other party may similarly state that party's defense and evidence.
- 1.919(3) The first above party must then produce that party's evidence; to be followed by that of the adverse party.
- **1.919(4)** The parties will be confined to rebutting evidence, unless the court in furtherance of justice, permits them to offer evidence in their original case.
- **1.919(5)** Only one counsel on each side shall examine the same witness, unless otherwise permitted by the court.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.920 Further testimony for mistake. At any time before final submission, the court may allow any party to offer further testimony to correct an evident oversight or mistake, imposing such terms as it deems just.

[Report 1943; November 9, 2001, effective February 15, 2002]

- **Rule 1.921 Adjournments.** After trial begins, the court may, in furtherance of justice, adjourn it for such time, and on such conditions as to costs or otherwise, as it deems just. [Report 1943; November 9, 2001, effective February 15, 2002]
- Rule 1.922 View. When the court deems proper, it may order an officer to conduct the jury in a body to view any real or personal property, or any place where a material fact occurred, and to show it to

them. No other person shall speak to them during their absence on any subject connected with the trial.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.923 Arguments. The parties may either submit the case or argue it. The party with the burden of the issue shall have the opening and closing arguments. In opening, the party shall disclose all points the party relies on, and if the party's closing argument refers to any new material point or fact not so disclosed, the adverse party may reply thereto, which shall close the argument. A party waiving opening argument is limited, in closing, to reply to the adverse argument; otherwise the adverse party shall have the closing argument. The court may limit the time for argument to itself, but not for arguments to the jury.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.924 Instructions. The court shall instruct the jury as to the law applicable to all material issues in the case and such instructions shall be in writing, in consecutively numbered paragraphs, and shall be read to the jury without comment or explanation; provided, however, that in any action where the parties so agree, the instructions may be oral. At the close of the evidence, or such prior time as the court may reasonably fix, any party may file written requests that the jury be instructed as set forth in such requests. Before argument to the jury begins, the court shall furnish counsel with a preliminary draft of instructions which it expects to give on all controversial issues, which shall not be part of the record. Before jury arguments, the court shall give to each counsel a copy of its instructions in their final form, noting this fact of record and granting reasonable time for counsel to make objections, which shall be made and ruled on before arguments to the jury. Within such time, all objections to giving or failing to give any instruction must be made in writing or dictated into the record, out of the jury's presence, specifying the matter objected to and on what grounds. No other grounds or objections shall be asserted thereafter, or considered on appeal. But if the court thereafter revises or adds to the instructions, similar specific objection to the revision or addition may be made in the motion for new trial, and if not so made shall be deemed waived. All instructions and objections, except as above provided, shall be part of the record. Nothing in the rules in this chapter shall prohibit the court from reading to the jury one or more of the final instructions at any stage of the trial, provided that counsel for all parties has been given an opportunity to review the instructions being read and to make objections as provided in this rule. Any instructions read prior to conclusion of the evidence shall also be included in the instructions read to the jury following conclusion of the evidence.

[Report 1943; amendment 1961; amendment 1970; amendment 1973; amended by 65GA, ch 315, §2; amended September 5, 1984, effective November 5, 1984; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.925 Additional instructions. While the jury is deliberating, the court may in its discretion further instruct the jury, in the presence of or after notice to counsel. Such instruction shall be in writing, be filed as other instructions in the case, and be a part of the record and any objections thereto shall be made in a motion for a new trial.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.926 Materials available to jurors.

1.926(1) *Notes.* Jurors shall be permitted to take notes during the trial using materials to be provided by the court on the request of any juror. The court shall instruct the jury that the notes are not evidence and must be destroyed at the completion of the jury's deliberations.

1.926(2) What jury may take to jury room. When retiring to deliberate, jurors may take their notes with them and shall take with them all exhibits in evidence except as otherwise ordered. Depositions shall not be taken unless all of the evidence is in writing and none of it has been stricken. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.927 Separation and deliberation of jury.

1.927(1) A jury once sworn shall not separate unless so ordered by the court, who must then advise them that it is the duty of each juror not to converse with any other juror or person, nor be addressed on the subject of the trial; and that, during the trial it is the duty of each juror to avoid, as far as possible, forming any opinion thereon until the cause is finally submitted.

1.927(2) On final submission, the jury shall retire for deliberation, and be kept together in charge of an officer until the jurors agree on a verdict or are discharged by the court, unless the court permits the jurors to separate temporarily overnight, on weekends or holidays, or in emergencies. During their deliberations, the officer in charge must not allow any communication to be made to the jurors, nor may the officer make any, except to ask them if they have agreed on a verdict, unless by order of court; nor communicate to any person the state of their deliberations, or the verdict agreed upon before it is rendered.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.928 Discharge; retrial. The court may discharge a jury because of any accident or calamity requiring it, or by consent of all parties, or when on an amendment a continuance is ordered, or if they have deliberated until it satisfactorily appears that they cannot agree. The case shall be retried immediately or at a future time, as the court directs.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.929 Court open for verdict. The court may adjourn as to other business while the jury is absent, but shall be open for every purpose connected with the cause submitted to the jury until it returns a verdict or is discharged.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.930 Food and lodging. The court may order that food and lodging be provided at state expense for a jury being kept together to try or deliberate on a cause.

[Report 1943; 1983 Iowa Acts, ch 186, §10142; November 9, 2001, effective February 15, 2002]

Rule 1.931 Rendering verdict and answering interrogatories.

- **1.931(1)** *Number.* Before a general verdict, special verdicts, or answers to interrogatories are returned, the parties may stipulate that the finding may be rendered by a stated majority of the jurors. In the absence of such stipulation, a general verdict, special verdicts, or answers to interrogatories must be rendered unanimously. However, a general verdict, special verdict, or answers to interrogatories may be rendered by all jurors excepting one of the jurors if the jurors have deliberated for a period of not less than six hours after the issues to be decided have been submitted to them.
- **1.931(2)** *Return; poll.* The jury agreeing on a general verdict, special verdicts, or answers to interrogatories shall bring the finding into court where it shall be read to the jury and inquiry made if it is the jury's finding. A party may then require a poll, whereupon the court or clerk shall ask each juror if it is the juror's finding. If the required number of jurors does not express agreement, the jury shall be sent out for further deliberation; otherwise, the finding is complete and, unless otherwise provided by law, the jury shall be discharged.
- **1.931(3)** Sealed. When, by consent of the parties and the court, the jury has been permitted to seal its finding and separates before it is rendered, such sealing is equivalent to a rendition and a recording thereof in open court, and such jury shall not be polled or permitted to disagree with respect thereto. [Report 1943; amendment 1973; amended by 65GA, ch 315, §4; amendment 1980; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.932 Form and entry of verdicts. General verdicts, special verdicts, and answers to interrogatories shall be in writing. When unanimous they shall be signed by the foreman or forewoman chosen by the jury, and when they are not unanimous, they shall be signed by all jurors concurring therein. They shall be sufficient in form if they express the intent of the jury. They shall be filed with the clerk and be entered of record after being put in form by the court if need be. [Report 1943; amendment 1973; November 9, 2001, effective February 15, 2002]
- **Rule 1.933 Special verdicts.** The court may require that the verdict consist wholly of special written findings on each issue of fact. It shall then submit in writing questions susceptible of categorical or brief answers, or forms of several special findings that the jury might properly make under the issues and evidence, or submit the issues and require the findings in any other appropriate manner. It shall so instruct the jury as to enable it to find upon each issue submitted. If the submission omits any issue of

fact, any party not demanding submission of such issue before the jury retires waives jury trial thereof, and the court may find upon it; failing which, it shall be deemed found in accord with the judgment on the special verdict. The court shall direct such judgment on the special verdict and answers as is appropriate thereto. Special interrogatories under Iowa Code chapter 668 shall be treated as special verdicts for purposes of the rules in this chapter.

[Report 1943; amended February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 1.934 Interrogatories. The jury in any case in which it renders a general verdict may be required by the court, and must be so required on the request of any party to the action, to find specially upon any particular questions of fact, to be stated to it in writing, which questions of fact shall be submitted to the attorneys of the adverse party before argument to the jury is commenced. The instructions shall be such as will enable the jury to answer the interrogatories and return the verdict. If both are harmonious, the court shall order the appropriate judgment. If the answers are consistent with each other, but any is inconsistent with the general verdict, the court may order judgment appropriate to the answers notwithstanding the verdict, or a new trial, or send the jury back for further deliberation. If the answers are inconsistent with each other, and any is inconsistent with the verdict, the court shall not order judgment, but either send the jury back or order a new trial. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.935 Reference to master. A "master" includes a referee, auditor or examiner. On a showing of exceptional conditions requiring it, the court may appoint a master as to any issues not to be tried to a jury. The clerk shall furnish the master with a copy of the order of appointment. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.936 Compensation. The court shall fix the master's compensation and order it paid or advanced by such parties, or from such fund or property, as it may deem just. Execution may issue on such order at the master's demand. The master shall not retain any reports as security for compensation.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.937 Powers. The order may specify or limit the master's powers or duties, the issue on which a report is to be made, or the time within which a hearing shall be held or a report filed, or specify that the master merely take and report evidence. Except as so limited the master shall have and exercise power to regulate all proceedings before the master; to administer oaths and to do all acts and take all measures appropriate for the efficient performance of the master's duties; to compel production before the master of any witness or party whom the master may examine, or of any evidence on any matters embraced in the reference, and to rule on admissibility of evidence. The master shall, on request, make a record of evidence offered and excluded. The master may appoint a shorthand reporter whose fees shall be advanced by the requesting party.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.938 Speedy hearing. Upon appointment the master shall notify the parties of the time and place of their first meeting, which shall be within 20 days or such other time as the court's order may fix. If a party so notified fails to appear, the master may proceed ex parte, or, in the master's discretion, adjourn to a future day, giving notice thereof to the absent party. It is the duty of the master to proceed with all reasonable diligence; and the court, after notice to the master and the parties, may order the master to expedite proceedings or make a report.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.939 Witnesses. Any party may subpoena witnesses before a master as for trial in open court; and a witness failing to appear or testify without good cause shall be subject to the same punishment and consequences.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.940 Accounts. The master may prescribe the form for submission of accounts which are in issue. In any proper case the master may require or receive in evidence the statement of a certified public accountant who testifies as a witness. If any item submitted or stated is objected to, or shown

insufficient in form, the master may require that a different form be furnished, or that the accounts or any item thereof be proved by oral testimony or written interrogatories of the accounting parties, or in such other manner as the master directs.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.941 Filing report. The master shall file with the clerk the original exhibits, and any transcript of the proceedings and evidence, otherwise a summary thereof, with a report on the matters submitted in the order of reference, including separate findings and conclusions if so ordered. The master may submit a draft of the report to counsel for their suggestions.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.942 Disposition. The clerk shall mail notice of filing the report to all attorneys of record. Within ten days after mailing, unless the court enlarges the time, any party may file written objections to it. Application for action on said report, or objections, shall be heard on such notice as the court prescribes. The report shall have the same effect whether or not the reference was by consent; but where parties stipulate that the master's findings shall be final, only questions of law arising upon the report shall thereafter be considered. The court shall accept the master's findings of fact unless clearly erroneous; and may adopt, reject or modify the report wholly or in any part, or recommit it with instructions.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.943 Voluntary dismissal. A party may, without order of court, dismiss that party's own petition, counterclaim, cross-claim, cross-petition or petition of intervention, at any time up until ten days before the trial is scheduled to begin. Thereafter a party may dismiss an action or that party's claim therein only by consent of the court which may impose such terms or conditions as it deems proper; and it shall require the consent of any other party asserting a counterclaim against the movant, unless that will still remain for an independent adjudication. A dismissal under this rule shall be without prejudice, unless otherwise stated; but if made by any party who has previously dismissed an action against the same defendant, in any court of any state or of the United States, including or based on the same cause, such dismissal shall operate as an adjudication against that party on the merits, unless otherwise ordered by the court, in the interests of justice.

[Report 1943; amendment 1982; amended October 9, 1984, effective December 8, 1984; December 28, 1989, effective July 2, 1990; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.944 Uniform rule for dismissal for want of prosecution.

1.944(1) It is the declared policy that in the exercise of reasonable diligence every civil and special action, except under unusual circumstances, shall be brought to issue and tried within one year from the date it is filed and docketed and in most instances within a shorter time.

1.944(2) All cases at law or in equity where the petition has been filed more than one year prior to July 15 of any year shall be tried prior to January 1 of the next succeeding year. The clerk shall prior to August 15 of each year give notice to counsel of record as provided in rule 1.442 of the docket number, the names of parties, counsel appearing, and date of filing petition. The notice shall state that such case will be subject to dismissal if not tried prior to January 1 of the next succeeding year pursuant to this rule. All such cases shall be assigned and tried or dismissed without prejudice at plaintiff's costs unless satisfactory reasons for want of prosecution or grounds for continuance be shown by application and ruling thereon after notice and not ex parte.

1.944(3) This rule shall not apply to the following cases provided, however, that a finding as to "a" through "e" is made and entered of record:

- a. Cases pending on appeal from a court of record to a higher court or under order of submission to the court
 - b. Cases in which proceedings subsequent to judgment or decree are pending.
- c. Cases which have been stayed pursuant to the Servicemembers Civil Relief Act [50 U.S.C. app. §501].
 - d. Cases where a party is paying a claim pursuant to written stipulation on file or court order.
 - e. Cases awaiting the action of a referee, master or other court-appointed officer.

- **1.944(4)** The case shall not be dismissed if there is a timely showing that the original notice and petition have not been served and that the party resisting dismissal has used due diligence in attempting to cause process to be served.
- **1.944(5)** No continuance under this rule shall be by stipulation of parties alone but must be by order of court. Where appropriate the order of continuance shall be to a date certain.
- **1.944(6)** The trial court may, in its discretion, and shall upon a showing that such dismissal was the result of oversight, mistake or other reasonable cause, reinstate the action or actions so dismissed. Application for such reinstatement, setting forth the grounds therefor, shall be filed within six months from the date of dismissal.

[Report 1961; amended by 61GA, ch 487, §2; amendment 1969; amendment 1975; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 25, 2004, effective May 1, 2004]

Rule 1.945 Involuntary dismissal. A party may move for dismissal of any action or claim against the party or for any appropriate order of court, if the party asserting it fails to comply with the rules of this chapter or any order of court. After a party has rested, the adverse party may move for dismissal because no right to relief has been shown, under the law or facts, without waiving the right to offer evidence thereafter.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.946 Effect of dismissal. All dismissals not governed by rule 1.943 or not for want of jurisdiction or improper venue, shall operate as adjudications on the merits unless they specify otherwise.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.947 Costs of previously dismissed action. Where a plaintiff sues on a claim that was previously dismissed against the same defendant in any court of any state or the United States, the court may stay such suit until the costs of the prior action are paid.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.948 to 1.950 Reserved.

B. JUDGMENTS GENERALLY

Rule 1.951 Judgment defined. Every final adjudication of any of the rights of the parties in an action is a judgment.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.952 Partial judgment. A party who succeeds in part only may have judgment expressly for the successful part and against that party as to the rest.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.953 As to some parties only. Where the action involves two or more parties, the court may, in its discretion, and though it has jurisdiction of them all, render judgment for or against some of them only, whenever the prevailing party would have been entitled thereto had the action involved the prevailing party alone, or whenever a several judgment is proper; leaving the action to proceed as to the other parties.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.954 Judgment on the pleadings. After the pleadings a party may move for judgment on the pleadings.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 10, 2009, effective October 9, 2009]

Rule 1.955 On verdict. The clerk must forthwith enter judgment upon a verdict when filed, unless it is special, or the court has ordered the case reserved for future argument or consideration. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.956 Principal and surety; order of liability. A judgment against principal and surety shall recite the order of their liability upon it. A "surety" includes all persons whose liability on the claim is secondary to that of another.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.957 On claim and counterclaim. A claim and counterclaim shall not be set off against each other, except by agreement of both parties or unless required by statute. The court, on motion, may order that both parties make payment into court for distribution, if it finds that the obligation of either party is likely to be uncollectible. If there are multiple parties and separate set-off issues, each set-off issue should be determined independently of the others. The court shall distribute the funds received and declare obligations discharged as if the payment into court by either party had been a payment to the other party and any distribution of those funds back to the party making payment had been a payment to that party by the other party.

[Report 1943; amendment 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.958 Reserved.

Rule 1.959 Entry. All judgments and orders must be entered on the record of the court and clearly specify the relief granted or the order made.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.960 Taxation of costs. When the court fails to assess costs upon disposition of an action, the clerk shall notify the judicial officer of such failure. If the court does not, within ten days of such notification, make an assessment of costs, the clerk shall enter judgment for costs against the party initiating the action.

[Report 1961; November 9, 2001, effective February 15, 2002; June 16, 2003, effective September 1, 2003]

Rule 1.961 Notes surrendered. The clerk shall not, unless by special order of the court, enter or record any judgment based on a note or other written evidence of indebtedness until such note or writing is first filed with the clerk for cancellation.

[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.962 Affidavit of identity. The clerk shall not enter a personal judgment until the creditor, creditor's agent or attorney, files an affidavit stating the full name, occupation and residence of the judgment debtor, to affiant's information and belief. If such residence is in an incorporated place of more than 5,000 population, the affidavit shall include the street number of debtor's residence and business address, if any. But a judgment entered or recorded without such affidavit shall not be invalid.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.963 to 1.970 Reserved.

C. DEFAULTS AND JUDGMENTS THEREON

Rule 1.971 Default defined. A party shall be in default whenever that party does any of the following:

1.971(1) Fails to serve and, within a reasonable time thereafter, file a motion or answer as required in rule 1.303 or 1.304.

1.971(2) Withdraws a pleading without permission to replead.

1.971(3) Fails to be present for trial.

1.971(4) Fails to comply with any order of court.

1.971(5) Does any act which permits entry of default under any rule or statute.

[Report 1943; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.972 Procedure for entry of default.

1.972(1) Entry. If a party not under legal disability or not a prisoner in a reformatory or penitentiary is in default under rule 1.971(1) or 1.971(2), the clerk shall enter that party's default in accordance with the procedures set forth in this rule without any order of court. All other defaults shall be entered by the court.

1.972(2) Application. Requests for entry of default under rule 1.972(1) shall be by written application to the clerk of the court in which the matter is pending. No default shall be entered unless the application contains a certification that written notice of intention to file the written application for default was given after the default occurred and at least ten days prior to the filing of the written application for default. A copy of the notice shall be attached to the written application for default. If the certification is filed, the clerk on request of the adverse party must enter the default of record without any order of court.

1.972(3) Notice.

- a. To the party. A copy of the notice of intent to file written application for default shall be sent by ordinary mail to the last known address of the party claimed to be in default. No other notice to a party claimed to be in default is required.
- b. Represented party. When a party claimed to be in default is known by the party requesting the entry of default to be represented by an attorney, whether or not that attorney has formally appeared, a copy of notice of intent to file written application for default shall be sent by ordinary mail to the attorney for the party claimed to be in default. This rule shall not be construed to create any obligation to undertake any affirmative effort to determine the existence or identity of counsel representing the party claimed to be in default.
- c. Computation of time. The ten-day period specified in rule 1.972(2) shall begin from the date of mailing notice, not the receipt thereof.
- d. Form of notice. The notice required by rule 1.972(2) shall be substantially as set forth in rule 1.1901, Form 10.
- **1.972(4)** Applicability. The notice provisions of this rule shall not apply to a default sought and entered in the following cases:
 - a. Any case prosecuted under small claims procedure.
 - b. Any forcible entry and detainer case, whether or not placed on the small claims docket.
 - c. Any juvenile proceeding.
- d. Against any party claimed to be in default when service of the original notice on that party was by publication.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.973 Judgment on default. Judgment upon a default shall be rendered as follows:

- 1.973(1) Where the claim is for a sum certain, or which by computation, can be made certain, the clerk, upon request, shall make such computation as may be necessary, and upon affidavit that the amount is due shall enter judgment for that amount, and costs against the party in default.
- 1.973(2) In all cases the court on motion of the prevailing party, shall order the judgment to which the prevailing party is entitled, provided notice and opportunity to respond have been given to any party who has appeared, and the clerk shall enter the judgment so ordered. If no judge is holding court in the county, such order may be made by a judge anywhere in the judicial district as provided in rule 1.453. The court may, and on demand of any party not in default shall, either hear any evidence or accounting required to warrant the judgment or refer it to a master; or submit it to a jury if proper demand has been made therefor under rule 1.902.

[Report 1943; Report 1978, effective July 1, 1979; February 1, 1991, effective July 1, 1991; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.974 Notice of default in certain cases. When any judgment other than one in rem has been taken by default against a party served with notice delivered to another person as provided in rule 1.305(1), the clerk shall immediately give written notice thereof, by ordinary mail to such party at that party's last known address, or the address where such service was had. The clerk shall make a record of such mailing. Failure to give such notice shall not invalidate the judgment.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.975 On published service. No personal judgment shall be entered against a person served only by publication or by publication and mailing, as provided in rule 1.311, unless that party has appeared.

[Report 1943; amendment 1951; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.976 Relief in other cases. The judgment may award any relief consistent with the petition and embraced in its issues; but unless the defaulting party has appeared, it cannot exceed what is demanded.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.977 Setting aside default. On motion and for good cause shown, and upon such terms as the court prescribes, but not ex parte, the court may set aside a default or the judgment thereon, for mistake, inadvertence, surprise, excusable neglect or unavoidable casualty. Such motion must be filed promptly after the discovery of the grounds thereof, but not more than 60 days after entry of the judgment. Its filing shall not affect the finality of the judgment or impair its operation. [Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.978 to 1.980 Reserved.

D. SUMMARY JUDGMENTS

Rule 1.981 On what claims. Summary judgment may be had under the following conditions and circumstances:

1.981(1) For claimant. A party seeking to recover upon a claim, counterclaim, cross-petition or cross-claim or to obtain a declaratory judgment may, at any time after the appearance day or after the filing of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in that party's favor upon all or any part thereof.

1.981(2) For defending party. A party against whom a claim, counterclaim, cross-petition or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in that party's favor as to all or any part thereof.

1.981(3) Motion and proceedings thereon. The motion shall be filed not less than 60 days prior to the date the case is set for trial, unless otherwise ordered by the court. Any party resisting the motion shall file a resistance within 15 days, unless otherwise ordered by the court, from the time when a copy of the motion has been served. The resistance shall include a statement of disputed facts, if any, and a memorandum of authorities supporting the resistance. If affidavits supporting the resistance are filed, they must be filed with the resistance. Notwithstanding the provisions of rules 1.431 and 1.435, the time fixed for hearing or nonoral submission shall be not less than 20 days after the filing of the motion, unless a shorter time is ordered by the court. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

1.981(4) Case not fully adjudicated on motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

1.981(5) Form of affidavits; further testimony; defense required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or filed therewith. The court may permit affidavits to be supplemented or opposed

by depositions, answers to interrogatories, further affidavits, or oral testimony. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials in the pleadings, but the response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered.

- **1.981(6)** When affidavits are unavailable. Should it appear from the affidavits of a party opposing the motion that the party for reasons stated cannot present by affidavit facts essential to justify the opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.
- **1.981(7)** Affidavits made in bad faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused that party to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.
- **1.981(8)** Supporting statement and memorandum. Upon any motion for summary judgment pursuant to this rule, there shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits which support such contentions and a memorandum of authorities. [Report 1943; amendment 1967; amendment 1975; amendment 1980; July 15, 1991, effective January 2, 1992; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rule 1.982 On motion in other cases.

- 1.982(1) Judgments may be obtained on motion by sureties against principals or cosureties for money due because paid by them as such; by clients against attorneys, by plaintiffs in execution against sheriffs or other officers for money or property collected by them; and in all other cases specially authorized by statute.
- **1.982(2)** A judgment for contribution based on comparative fault may be obtained on motion only where the basis for such judgment has been established by findings of fact previously made by the court or jury in the action in which the motion is filed, and only by or against the persons who were parties to that action at the time said findings were made.
- **1.982(3)** A motion for contribution permitted by this rule may be filed after final judgment has been entered in the action and the pendency of an appeal shall not deprive the court of jurisdiction to consider same.
- **1.982(4)** A judgment for contribution on motion, where permitted under this rule, may be in the form of a declaratory judgment conditioned upon the future satisfaction by a party of one or more of the judgments entered in the action.

[Report 1943; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.983 Procedure. If a motion under rule 1.982 is filed in an action already pending, the procedure shall be as in rule 1.981. Otherwise, the motion shall be served on the party against whom relief is sought, together with notice of the time and place of hearing. Service shall be made at least ten days before the date set for hearing. The court shall hear the motion at the time fixed in the notice without further pleadings and give judgment accordingly.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.984 to 1.1000 Reserved.

DIVISION XPROCEEDINGS AFTER JUDGMENT

Rule 1.1001 Bill of exceptions.

- **1.1001(1)** When necessary. A bill of exceptions shall be necessary only to show material portions of the record of the cause not shown by the court files, entries, or legally certified shorthand notes of the trial, if any.
- **1.1001(2)** Affidavits. Not more than five affidavits in support of any exception may be filed with the bill. Controverting affidavits, not exceeding five, may be filed within seven days thereafter. The court, for good cause shown, may extend the time for filing such affidavits.
- **1.1001(3)** Certification; judge; bystanders. The proposed bill of exceptions shall be promptly presented to the trial judge, who shall sign it if it fairly presents the facts. If the judge refuses, and counsel so certifies, and at least two bystanders attest in writing that the exceptions are correctly stated, the bill thus certified and attested shall be filed and become part of the record.
- **1.1001(4)** *Disability.* Whenever the judge or master who tried the cause is for any reason unable to sign a bill of exceptions or certify the shorthand reporter's record, the same may be done by a successor, or by any judge of the court in which the proceeding was pending. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- **Rule 1.1002 New trial defined.** A new trial is the reexamination in the same court of any issue of fact or part thereof, after a verdict, or master's report, or a decision of the court. [Report 1943; November 9, 2001, effective February 15, 2002]
- Rule 1.1003 Judgment notwithstanding verdict. On motion, any party may have judgment in that party's favor despite an adverse verdict, or the jury's failure to return any verdict under any of the following circumstances:
- **1.1003(1)** If the pleadings of the adverse party fail to allege some material fact necessary to constitute a complete claim or defense and the motion clearly specifies such failure.
- **1.1003(2)** If the movant was entitled to a directed verdict at the close of all the evidence, and moved therefor, and the jury did not return such verdict, the court may then either grant a new trial or enter judgment as though it had directed a verdict for the movant.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- **Rule 1.1004** New trial. On motion, the aggrieved party may have an adverse verdict, decision, or report or some portion thereof vacated and a new trial granted if any of the following causes materially affected movant's substantial rights:
- **1.1004(1)** Irregularity in the proceedings of the court, jury, master, or prevailing party; or any order of the court or master or abuse of discretion which prevented the movant from having a fair trial.
 - **1.1004(2)** Misconduct of the jury or prevailing party.
 - 1.1004(3) Accident or surprise which ordinary prudence could not have guarded against.
- **1.1004(4)** Excessive or inadequate damages appearing to have been influenced by passion or prejudice.
- **1.1004(5)** Error in fixing the amount of the recovery, whether too large or too small, in an action upon contract or for injury to or detention of property.
- **1.1004(6)** That the verdict, report or decision is not sustained by sufficient evidence, or is contrary to law.
- **1.1004(7)** Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial.
 - 1.1004(8) Errors of law occurring in the proceedings, or mistakes of fact by the court.
- **1.1004(9)** On any ground stated in rule 1.1003, the motion specifying the defect or cause giving rise thereto.

[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1005 Motion; affidavits. Motions under rules 1.1003 and 1.1004 shall be in writing; and if based on grounds stated in rule 1.1004(2), 1.1004(3), or 1.1004(7) may be sustained and controverted by affidavits and heard pursuant to rule 1.431(6).

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1006 Stay. If motions under rule 1.1003 or 1.1004 or a petition under rule 1.1012 are timely filed, the court may, in its discretion and on such terms, if any, as it deems proper order a stay of any or all further proceedings, executions or process to enforce the judgment, pending disposition of such motion or petition.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1007 Time for motions and exceptions. Motions under rules 1.1003 and 1.1004 and bills of exception under rule 1.1001 must be filed within fifteen days after filing of the verdict, report or decision with the clerk or discharge of a jury which failed to return a verdict, unless the court, for good cause shown and not ex parte, grants an additional time not to exceed 30 days. Resistances and replies may be filed and supporting briefs may be served as provided in rules 1.431(4) and 1.431(5). [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 4, 2010, effective October 4, 2010]

Rule 1.1008 Conditional rulings on grant of motion.

- **1.1008(1)** Any motion may be filed under rule 1.1003 or 1.1004 without waiving the right to file or rely on any other of such motions.
- **1.1008(2)** Not later than fifteen days after entry of a judgment notwithstanding the verdict, the party whose verdict has been set aside may file a motion for new trial pursuant to rule 1.1004.
- **1.1008(3)** If a motion for judgment notwithstanding the verdict is granted, the court shall also rule on any motion for new trial by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the motion for new trial. If a motion for new trial is thus conditionally granted, the order thereon does not affect the finality of the judgment. If a motion for new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless otherwise ordered by the appellate court. If a motion for new trial has been conditionally denied, the appellee may assert error in that denial; and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate court.

[Report 1943; amendment 1953; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 4, 2010, effective October 4, 2010]

Rule 1.1009 Issues tried by consent; amendment. In deciding motions under rule 1.1003 or 1.1004, the court shall treat issues not embraced in the pleadings but actually tried by express or implied consent of the parties as though they had been pleaded. Either party may then amend to conform the party's pleadings to such issues and the evidence upon them; but failure so to amend shall not affect the result of the trial.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1010 Conditional new trial.

- **1.1010(1)** The district court may permit a party to avoid a new trial under rule 1.1003 or 1.1004 by agreeing to such terms or conditions as it may impose, which shall then be shown of record and a judgment entered accordingly.
- **1.1010(2)** If the term or condition imposed is a choice between consenting to a reduced, modified or increased judgment amount or proceeding to a new trial, regardless of whether imposed by the district court or an appellate court, then the choice shall be made by filing a written consent to the reduced, modified or increased judgment with the clerk of the district court in which the case was tried within the following times:
- a. If imposed by the district court, on or before seven days before the date when an appeal must be taken pursuant to Iowa R. App. P. 6.101.
- b. If imposed by an appellate court, on or before 30 days after the date the procedendo is filed with the district court.

If such a written consent is not filed within these time periods, then the new trial imposed as the other choice shall be deemed ordered automatically.

1.1010(3) In the event of an appeal any such term or condition or judgment entered pursuant to district court order shall be deemed of no force and effect and the original judgment entered pursuant to rule 1.955 shall be deemed reinstated.

[Report 1943; amendment 1953; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1011 Retrial after published notice.

- **1.1011(1)** Retrial. Except in actions for dissolution of marriage and annulment of marriage, if judgment is entered against a defendant who did not appear and was served only by publication or by publication and mailing, as provided in rule 1.311, the defendant may apply for retrial within six months after entry of judgment, and on giving security for costs is then entitled to a defense and trial as though there was no judgment.
- **1.1011(2)** New judgment. After such retrial, the court may confirm the judgment, modify or set it aside and order a party to restore any money or property remaining in the party's possession under it, or to repay the value of any money or property the party thus received.

[Report 1943; amendment 1951; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- **Rule 1.1012 Grounds for vacating or modifying judgment.** Upon timely petition and notice under rule 1.1013 the court may correct, vacate or modify a final judgment or order, or grant a new trial on any of the following grounds:
 - 1.1012(1) Mistake, neglect or omission of the clerk.
 - 1.1012(2) Irregularity or fraud practiced in obtaining it.
- **1.1012(3)** Erroneous proceedings against a minor or person of unsound mind, when such errors or condition of mind do not appear in the record.
- **1.1012(4)** Death of a party before entry of the judgment or order, and its entry without substitution of a proper representative.
 - **1.1012(5)** Unavoidable casualty or misfortune preventing the party from prosecuting or defending.
- **1.1012(6)** Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial, and was not discovered within the time for moving for new trial under rule 1.1004.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1013 Procedure for vacating or modifying judgment.

- **1.1013(1)** Petition. A petition for relief under rule 1.1012 requires payment of the filing fee set forth in Iowa Code section 602.8105(1)(a), or if made in small claims, the filing fee set forth in section 631.6(1)(a), and must be filed and served in the original action within one year after the entry of the judgment or order involved. It shall state the grounds for relief, and, if it seeks a new trial, show that they were not and could not have been discovered in time to proceed under rule 1.977 or 1.1004. If the pleadings in the original action did not allege a meritorious action or defense the petition shall do so. It shall be supported by affidavit as provided in rule 1.413(3).
- **1.1013(2)** *Notice.* The petitioner must serve the adverse party with an original notice and petition in the manner provided in rules 1.301 through 1.315, located in division III of the rules in this chapter.
- **1.1013(3)** *Trial.* The court shall promptly assign the petition for trial not less than 20 days after notice is served. The petition shall stand denied without answer; otherwise the issues and pleadings, and form and manner of the trial shall be the same, as nearly as may be, as in the trial of an ordinary action to the court, and with the same right of appeal. No new claim shall be introduced.
- **1.1013(4)** *Preliminary determination.* The court may try and determine the validity of the grounds to vacate or modify a judgment or order before trying the validity of the claim or defense.
- **1.1013(5)** *Judgment.* If the original judgment or order is affirmed after a stay under rule 1.1006, additional judgment shall be entered against the petitioner for the costs of the trial, and also, in the court's discretion, for damages not exceeding 10 percent of the judgment affirmed. [Report 1943; amended February 1, 1989, effective May 1, 1989; October 31, 1997, effective January 24,

[Report 1943; amended February 1, 1989, effective May 1, 1989; October 31, 1997, effective January 24 1998; November 9, 2001, effective February 15, 2002; May 26, 2010, effective July 24, 2010]

Rule 1.1014 Disposition of exhibits. One year after the final determination of a case, the clerk may destroy all exhibits filed provided that counsel of record are notified in writing that the exhibits will

be destroyed unless receipted for within 60 days thereafter. The clerk may destroy all trial exhibits without notice two years after final determination of the case.

[Report 1965; January 2, 1996, effective March 1, 1996; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1015 Titles and liens protected.

1.1015(1) The title of a good faith purchaser to property sold under the original judgment shall not be affected or impaired by any judgment, order or proceeding under rules 1.1011 through 1.1013.

1.1015(2) If the original judgment is merely modified pursuant to any of said rules, all liens or securities obtained under it shall be preserved in the modified judgment.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1016 Judgment discharged on motion. Where matter in discharge of a judgment has arisen since its entry, the defendant or any interested person may, on motion, have the same discharged in whole or in part, according to the circumstances.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1017 Fraudulent assignment; motion. The court may, on motion, inquire into the assignment of a judgment, or its entry to the use of any party, and cancel the assignment or strike out such use, in whole or in part, whenever it determines the same to be inequitable, fraudulent or done in bad faith.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1018 Execution; duty of officer. An officer receiving an execution must execute it with diligence. The officer shall levy on such property of the judgment debtor as is likely to bring the exact amount, as nearly as practicable. The officer may make successive levies if necessary. The officer shall collect the things in action, by suit in the officer's own name if need be, or sell them. The officer shall sell sufficient property levied on and garnish sufficient funds, or property of sufficient value, to satisfy the execution, paying the proceeds, less the officer's own costs, to the clerk. [Report 1943; 1992 Iowa Acts, ch 1044, §1, effective July 1, 1992; November 9, 2001, effective February 15, 2002]

Rule 1.1019 Endorsement. The officer shall endorse on the execution, the day and hour the officer receives it; and the levy, sale, or other act done by virtue of it, with the date thereof; and the date and amount of any receipts or payments toward its satisfaction. Each endorsement shall be made at the time of the act or receipt; but no levy or sale under the execution shall be impaired by failure to make any such endorsement at the time here provided.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1020 Levy on personalty. Levy on personalty may be made under an attachment or general execution by either of the following methods, but no lien is created until compliance with one of them.

1.1020(1) By the officer taking possession of the property, and signing and appending to the execution its exact description at length, with the date of the levy.

1.1020(2) If the creditor or the creditor's agent first so requests in writing, the officer may view the property, prepare a written inventory of its exact description at length, and append the inventory to the execution, with the officer's signed statement of the number and title of the case, the names of the debtor and judgment creditor, the amount claimed under the execution, the exact location of the property and in whose possession, and the last known address of the judgment debtor. A certified transcript of the inventory and statement shall be filed with the secretary of state. Such filing shall be accepted by the secretary of state and shall be marked, indexed and certified in the same manner as a financing statement, and shall be constructive notice of the levy to all persons. If the writ is satisfied or the levy discharged the officer shall file a termination statement with the secretary of state. The fees normally charged by the secretary of state for the filing of a financing statement and the filing of a termination statement shall be paid by the officer and shall be taxed as a part of the costs of the levy. [Report 1943; amendment 1967; amendment 1975; October 31, 1997, effective January 24, 1998; July 27, 2001, effective October 1, 2001; November 9, 2001, effective February 15, 2002]

DIVISION XIDECLARATORY JUDGMENTS

Rule 1.1101 Declaratory judgments permitted. Courts of record within their respective jurisdictions shall declare rights, status, and other legal relations whether or not further relief is or could be claimed. It shall be no objection that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form or effect, and such declarations shall have the force and effect of a final decree. The existence of another remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The enumeration in rules 1.1102, 1.1103, and 1.1104, does not limit or restrict the exercise of this general power.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1102 Construing contracts, etc. Any person interested in an oral or written contract, or a will, or whose rights, status or other legal relations are affected by any statute, municipal ordinance, rule, regulation, contract or franchise, may have any question of the construction or validity thereof or arising thereunder determined, and obtain a declaration of rights, status or legal relations thereunder. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1103 Before or after breach. A contract may be construed either before or after a breach. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1104 Fiduciaries, beneficiaries and others. Any person interested as or through an executor, administrator, trustee, guardian, conservator or other fiduciary, creditor, devisee, legatee, heir, next of kin or cestui que trust, in the administration of a trust or the estate of a decedent, insolvent, an infant or other person for whom a guardian, or conservator has been appointed, may obtain a declaration of rights or legal relations for any of the following reasons:

- 1.1104(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others.
- **1.1104(2)** To direct executors, administrators, guardians, conservators, trustees or other fiduciaries, to do or abstain from doing any particular act in their fiduciary capacity.
- **1.1104(3)** To determine any question arising in the administration of the estate, guardianship, conservatorship or trust, including questions of construction of wills and other writings. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- **Rule 1.1105 Discretionary.** The court may refuse to render a declaratory judgment or decree where it would not, if rendered, terminate the uncertainty or controversy giving rise to the proceeding. [Report 1943; November 9, 2001, effective February 15, 2002]
- Rule 1.1106 Supplemental relief. Supplemental relief based on a declaratory judgment may be granted wherever necessary or proper. The application for relief shall be by petition in the original case. If the court deems the petition sufficient, it shall, on such reasonable notice as it prescribes, require any adverse party whose rights have been adjudicated to show cause why such relief should not be granted.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1107 Review. All orders, judgments or decrees under rules 1.1101 through 1.1106 may be reviewed as other judgments, orders or decrees.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1108 Jury trial. The right of trial by jury shall not be abridged or extended by rules 1.1101 through 1.1107.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1109 "Person." For purposes of this division, "person" shall include any individual or entity capable of suing or being sued under the laws of Iowa.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1110 to 1.1200 Reserved.

DIVISION XII

Rules 1.1201 to 1.1300 Reserved.

COMMENT: Division XII Rules 1.1201 through 1.228, Partition of Real and Personal Property, are rescinded effective July 1, 2018. Beginning July 1, 2018, all partition procedures are contained in Iowa Code chapter 651. 2018 Iowa Acts, ch 1108 (Senate File 2175). [Court Order May 21, 2018, effective July 1, 2018]

DIVISION XIII OUO WARRANTO

- **Rule 1.1301 For what causes.** A civil action in the nature of quo warranto, triable by equitable proceedings, may be brought in the name of the state against any defendant who is any of the following:
- **1.1301(1)** Unlawfully holding or exercising any public office or franchise in Iowa, or an office in any Iowa corporation.
- **1.1301(2)** A public officer who has done or suffered to be done, an act which works a forfeiture of the office.
 - 1.1301(3) Acting as a corporation in Iowa without being authorized by law so to act.
- **1.1301(4)** A corporation exercising powers not conferred by law, or doing or omitting acts, which work a forfeiture of its corporate rights or privileges.
- **1.1301(5)** A person or corporation claiming under a patent, permit, certificate of convenience and necessity or license of any nature which was granted by the state because of fraud, or mistake or ignorance of a material fact, or the terms of which have expired or been violated by the defendant, or which the defendant has in any manner forfeited. The action in such cases shall be to annul or vacate the patent, permit, certificate or license in question.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1302 By whom brought.

- **1.1302(1)** The county attorney of the county where the action lies has discretion to bring the action, but must do so when directed by the governor, general assembly or the supreme or district court, unless the county attorney may be a defendant, in which event the attorney general may, and shall when so directed, bring the action.
- **1.1302(2)** If on demand of any citizen of the state, the county attorney fails to bring the action, the attorney general may do so, or such citizen may apply to the court where the action lies for leave to bring it. On leave so granted, and after filing bond for costs in an amount fixed by the court, with sureties approved by the clerk, the citizen may bring the action and prosecute it to completion. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.1303 No joinder or counterclaim. In such action there shall be no joinder of any other claim, and no counterclaim.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1304 Petition. The petition shall state the grounds on which the action is brought, and if it involves an office, franchise or right claimed by others than the defendant, it shall name them; and they may be made parties.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1305 Judgment.

- 1.1305(1) The judgment shall determine all rights and claims of all parties respecting the matters involved, and shall include any provision necessary to enforce their rights as so determined, or to accomplish the objects of the decision.
- **1.1305(2)** The judgment shall also determine which party, if any, is entitled to hold any office in controversy.
- **1.1305(3)** If a party is unlawfully holding or exercising any office, franchise or privilege, or if a corporation has violated the law by which it exists or been guilty of any act or omission which amounts to a surrender or forfeiture of its privileges, the judgment shall remove the party from office or franchise, or forfeit the privilege, and forbid the party to exercise or use any such office, franchise or privilege.

1.1305(4) If a party has merely exercised powers or privileges to which that party was not entitled, but which does not warrant forfeiture under the law, the judgment shall prohibit that party from the further exercise thereof.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1306 Costs.

- 1.1306(1) Judgment against any defendant or intervenor shall include judgment for the costs of the action. Judgment against a pretended corporation shall assess the costs against the person or persons acting as such.
- **1.1306(2)** If the action fails, the court may assess the costs against any private individual who brought it; otherwise they shall be paid as provided by the statutes governing costs in criminal cases. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- **Rule 1.1307 Corporation dissolved.** If the judgment dissolves a corporation, the court shall make appropriate orders for the dissolution as provided by the statutes in force. [Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1308 to 1.1400 Reserved.

DIVISION XIV CERTIORARI

Rule 1.1401 Certiorari petition. A party may commence a certiorari action when authorized by statute or when the party claims an inferior tribunal, board, or officer, exercising judicial functions, or a judicial magistrate exceeded proper jurisdiction or otherwise acted illegally. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1402 Procedure.

- **1.1402(1)** *Title.* The petition shall be captioned in the name of the petitioner as plaintiff, against the inferior tribunal, board or officer as defendant.
 - **1.1402(2)** Nature of proceeding. The action shall be by ordinary proceedings, so far as applicable.
- **1.1402(3)** *Time for filing.* The petition must be filed within 30 days from the time the tribunal, board or officer exceeded its jurisdiction or otherwise acted illegally. An extension of such time, however, may be allowed by the reviewing court upon a showing that failure to file the petition within the time provided was due to a failure of the tribunal, board or officer to notify the petitioner of the challenged decision. Any motion for extension of time shall be filed with the clerk of the court in which the writ of certiorari is sought within 90 days of the challenged decision. The motion and any resistance may be supported by copies of relevant portions of the record of the proceedings being challenged, and by affidavits, and no other form of evidence will be received.

[Report 1943; amendment 1973; amended July 18, 1984, effective September 17, 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

- **Rule 1.1403 Other remedies.** The writ shall not be denied or annulled because plaintiff has another plain, speedy or adequate remedy; but the relief by way of certiorari shall be strictly limited to questions of jurisdiction or the legality of the challenged acts, unless otherwise provided by statute. [Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]
- Rule 1.1404 The writ. A district court judge may order the issuance of a writ to an inferior tribunal, board, or officer, or to a judicial magistrate. The writ shall be issued by the clerk of the court where the petition is filed, under its seal. It shall command the defendant to certify to that court, at a specified time and place, a transcript of so much of the defendant's records and proceedings as are pertinent to the petition, together with the facts of the case, described with reasonable certainty.

[Report 1943; Report 1978; effective July 1, 1979; amendment 1982; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1405 Stay, bond. The court may stay the original proceedings even though no stay is requested. If the court grants the plaintiff's request for a stay, the stay may be conditioned upon the plaintiff's filing of a bond with penalty and conditions, including security for costs, as prescribed by the court and with sureties approved by the court or the clerk.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1406 Notice of issuing writ. The court may issue the writ without notice upon the filing of the petition, or it may fix a time and place for hearing and prescribe reasonable notice to the defendant. If the petition is filed before a final order or decree in the original proceeding or if the plaintiff seeks a stay, the court shall fix a time and place for hearing and prescribe reasonable notice to the defendant before issuing the writ. Any hearing shall be confined to the sufficiency of the petition, what records or proceedings shall be certified, and the terms of any bond to be given.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1407 Service of writ. The writ shall be served by a sheriff or deputy sheriff, unless the defendant accepts service of the writ. If the writ is issued to a magistrate, service shall be on the magistrate or clerk of that court; if issued to a board or other tribunal, it shall be served on its secretary, clerk, or any member. Service shall be by delivery of the original writ. A copy, with return of service, shall be returned to the clerk of the court issuing the writ.

[Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1408 Return to writ, by whom. If the writ is issued to a magistrate, the return shall be made and signed by the magistrate whose decision is challenged, if practicable, otherwise by the clerk of that court. If issued to an officer, the officer shall make and sign the return. If issued to a board or tribunal, the return shall be made and signed by its presiding officer, clerk, or secretary.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1409 Defective return. If the return is defective, the court issuing the writ, on the court's own motion or that of any party, may order a further return. The court may compel obedience to the writ or to such order by attachment or citation for contempt.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1410 Hearing. When full return has been made, the court shall fix a time and place for hearing. In addition to the record made by the return, the court may receive any transcript or recording of the original proceeding and such other oral or written evidence explaining the matters contained in the return. Unless otherwise specially provided by statute, such transcript, recording, or additional evidence shall be considered only to determine the legality of the proceedings or the sufficiency of the evidence before the original tribunal, board, officer, or magistrate.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1411 Judgment. Unless otherwise provided by statute, the judgment on certiorari shall be limited to annulling the writ or to sustaining it, in whole or in part, to the extent the proceedings below were illegal or in excess of jurisdiction. The judgment shall prescribe the manner in which either party may proceed, and shall not substitute a different or amended decree or order for that being reviewed. [Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1412 Appeal. An appeal from an order or judgment of the district court in a certiorari proceeding is governed by the rules of appellate procedure applicable to appeals in ordinary civil actions. An appeal is discretionary when the order or judgment sought to be reviewed is itself a discretionary review of another tribunal, board, officer, or magistrate.

[Report 1943; December 28, 1993, effective March 1, 1994; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rules 1.1413 to 1.1500 Reserved.

DIVISION XV INJUNCTIONS

Rule 1.1501 Independent or auxiliary remedy. An injunction may be obtained as an independent remedy by an action in equity, or as an auxiliary remedy in any action. In either case, the party applying therefor may claim damages or other relief in the same action. An injunction may be granted as part of the judgment; or may be granted by order at any prior stage of the proceedings, and is then known as a temporary injunction.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1502 Temporary; when allowed. A temporary injunction may be allowed under any of the following circumstances:

1.1502(1) When the petition, supported by affidavit, shows the plaintiff is entitled to relief which includes restraining the commission or continuance of some act which would greatly or irreparably injure the plaintiff.

1.1502(2) Where, during the litigation, it appears that a party is doing, procuring or suffering to be done, or threatens or is about to do, an act violating the other party's right respecting the subject of the action and tending to make the judgment ineffectual.

1.1502(3) In any case specially authorized by statute.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1503 Endorsing refusal. A court, or justice of the supreme court, refusing a temporary injunction shall endorse the refusal on the petition therefor. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1504 Statement re prior presentation. A petition seeking a temporary injunction shall state, or the attorney shall certify thereon, whether a petition for the same relief, or part thereof, has been previously presented to and refused by any court or justice, and if so, by whom and when. [Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1505 Place for filing. A request for a temporary injunction shall be filed in the county where the action is, or will be, pending.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1506 By whom granted. A temporary injunction may be granted by any of the following:

1.1506(1) A judge of the district in which the action is or will be pending.

1.1506(2) The supreme court or a justice thereof.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1507 Notice. Before granting a temporary injunction, the court may require reasonable notice of the time and place of hearing therefor to be given the party to be enjoined. When the applicant is requesting that a temporary injunction be issued without notice, applicant's attorney must certify to the court in writing either the efforts which have been made to give notice to the adverse party or that party's attorney or the reason supporting the claim that notice should not be required. Such notice and hearing must be had for a temporary injunction or stay of agency action pursuant to Iowa Code section 17A.19(5), to stop the general and ordinary business of a corporation, or action of an agency of the state of Iowa, or the operations of a railway or of a municipal corporation, or the erection of a building or other work, or the board of supervisors of a county, or to restrain a nuisance.

[Report 1943; amended October 9, 1984, effective December 8, 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1508 Bond. The order directing a temporary injunction must require that before the writ issues, a bond be filed, with a penalty to be specified in the order, which shall be 125 percent of the probable liability to be incurred. Such bond with sureties to be approved by the clerk shall be conditioned to pay all damages which may be adjudged against the petitioner by reason of the injunction. But in actions for dissolution of marriage, separate maintenance, annulment of marriage,

or domestic abuse, the court in its discretion may waive any bond, or fix its penalty in any amount deemed just and reasonable.

[Report 1943; Report 1978, effective July 1, 1979; amendment 1981; November 9, 2001, effective February 15, 2002]

Rule 1.1509 Hearing to dissolve temporary injunction. A party against whom a temporary injunction is issued without notice may, at any time, move the court where the action is pending to dissolve, vacate or modify it. Such motion shall be submitted to that court. A hearing shall be held within ten days after the filing of the motion.

[Report 1943; amendment 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT ON AMENDMENTS TO RULES 1.1505, 1.1506, 1.1507, AND 1.1509: Concern has been raised regarding the issuance of temporary injunctions without a hearing or notice to the adverse party, and the subsequent difficulty in scheduling a hearing to dissolve, vacate or modify the injunction. The amendment to rule 1.1507 puts the burden upon the applicant to certify that he or she has either made an attempt to provide notice or has legitimate reasons for not providing notice. The amendment to rule 1.1509 provides once the temporary injunction has been issued, the adverse party may then file a motion to dissolve, vacate or modify the injunction, which shall be heard within ten days. This puts the burden upon the adverse party to request the hearing.

Rule 1.1510 Enjoining proceedings or judgment; venue; bond. An action seeking to enjoin proceedings in a civil action, or on a judgment or final order, must be brought in the county and court where such proceedings are pending or such judgment or order was obtained, unless that be the supreme court, in which case the action must be brought in the court from which appeal was taken. Any bond in such action must be further conditioned to pay or comply with such judgment or order, or to pay any judgment that may be recovered against the petitioner on the claim enjoined. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1511 Violation as contempt. Violation of any provision of any temporary or permanent injunction shall constitute contempt and be punished accordingly. [Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1512 to 1.1600 Reserved.

DIVISION XVI

PROCEEDINGS FOR JUDICIAL REVIEW OF AGENCY ACTION

Rule 1.1601 Applicability of rules. Except to the extent that they are inconsistent with any provision of the Iowa Administrative Procedure Act, Iowa Code chapter 17A, or with the rules specifically set forth in this division, the rules of civil procedure shall be applicable to proceedings for judicial review of agency action brought under that Act. [Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.1602 Time for motion or answer. Respondent shall, within 20 days from the date of personal service or mailing of a petition for judicial review under Iowa Code section 17A.19(2), serve upon petitioner and all others upon whom the petition is required to be served, and within a reasonable time thereafter file a motion or answer.

[Report 1980; amendment 1984; Report April 30, 1987, effective July 1, 1987; November 9, 2001, effective February 15, 2002]

- Rule 1.1603 Contested case proceedings; intervention; schedule. In proceedings for judicial review of agency action in a contested case pursuant to Iowa Code section 17A.19:
 - 1.1603(1) An intervenor may join with petitioner or respondent or claim adversely to both.
- **1.1603(2)** Upon request of any party the reviewing court shall, or upon its own motion may, establish a schedule for the conduct of the proceeding.

[Report 1980; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rules 1.1604 to 1.1700 Reserved.

DIVISION XVII SUBPOENAS

Rule 1.1701 Subpoena.

- **1.1701(1)** *Form and contents.*
- a. Requirements. Every subpoena must:
- (1) State the court from which it issued;
- (2) State the title of the action and its docket number;
- (3) Command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises; and
 - (4) Set out the text of rules 1.1701(4) and 1.1701(5).
- b. Command to attend a deposition; notice of the recording method. A subpoena commanding attendance at a deposition must state the method for recording the testimony.
- c. Combining or separating a command to produce or to permit inspection; specifying the form for electronically stored information. A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.
- d. Command to produce; included obligations. A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding party to permit inspection, copying, testing, or sampling of the materials.
 - e. Forms for subpoenas. Subpoena forms can be found in rule 1.1901, Form 13, 14 and 15.
- **1.1701(2)** Issued by whom. The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. A request may be made either orally or in writing. An attorney licensed or otherwise authorized to practice law in Iowa also may issue and sign a subpoena as an officer of the court.

1.1701(3) Service.

- a. By whom; tendering fees; serving a copy of certain subpoenas. Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance and, if demanded, tendering the fees for one day's attendance and traveling fees to and from the court. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.
 - b. Permissible place of service. A subpoena may be served at any place:
 - (1) Within the state of Iowa;
 - (2) That the court authorizes on motion and for good cause, if a statute so provides.
- c. Proof of service. Proving service, when necessary, requires filing with the issuing court a statement showing the date and manner of service and the names of persons served. The server must certify the statement in accordance with Iowa Code section 622.1.
 - **1.1701(4)** Protecting a person subject to a subpoena.
- a. Avoiding undue burden or expense; sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.
 - b. Command to produce materials or permit inspection.
- (1) Appearance not required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (2) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- 1. At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- 2. These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- c. Attendance. Any party shall be permitted to attend at the same time and place and for the same purposes specified in the subpoena. No prior notice of intent to attend is required.
 - d. Quashing or modifying a subpoena.
 - (1) When required. On timely motion, the issuing court must quash or modify a subpoena that:
 - 1. Fails to allow a reasonable time to comply;
- 2. Requires a person who is neither a party nor a party's officer to travel more than 50 miles from where that person resides, is employed, or regularly transacts business in person, except that a person may be ordered to attend trial anywhere within the state in which the person is served with a subpoena;
 - 3. Requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - 4. Subjects a person to undue burden.
- (2) When permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- 1. Disclosing a trade secret or other confidential research, development, or commercial information; or
- 2. Disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- 3. A person who is neither a party nor a party's officer to incur substantial expense to travel more than 50 miles to attend trial.
- (3) Specifying conditions as an alternative. In the circumstances described in rule 1.1701(4)(d)(2), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- 1. Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - 2. Ensures that the subpoenaed person will be reasonably compensated.
 - **1.1701(5)** Duties in responding to a subpoena.
- a. Producing documents or electronically stored information. These procedures apply to producing documents or electronically stored information:
- (1) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (2) Form for producing electronically stored information not specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (3) *Electronically stored information produced in only one form.* The person responding need not produce the same electronically stored information in more than one form.
- (4) Inaccessible electronically stored information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of rule 1.504(1)(b). The court may specify conditions for the discovery.
 - b. Claiming privilege or protection.
- (1) *Information withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - 1. Expressly make the claim; and
- 2. Describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (2) *Information produced*. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not

use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

- **1.1701(6)** Duties of issuer of subpoena; producing copies of materials obtained by subpoena. When a party on whose behalf a subpoena under rule 1.1701(1) has been issued thereby creates or obtains copies of designated electronically stored information, books, papers, documents or tangible things, that party shall make available a duplicate of such copies at the request of any other party, who shall be responsible for payment of the reasonable cost of making the copies.
- **1.1701(7)** Contempt. The issuing court may hold in contempt a person who, having been served and if necessary been provided fees and traveling expenses allowed by law, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of rule 1.1701(4)(d)(1)2. [Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.1702 Uniform interstate depositions and discovery.

- **1.1702(1)** *Definitions.* In this rule:
- a. "Foreign jurisdiction" means a state other than Iowa.
- b. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- c. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.
- d. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- e. "Subpoena" means a document, however denominated, issued under authority of a court of record of Iowa requiring a person to:
 - (1) Attend or give testimony at a deposition;
- (2) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
 - (3) Permit inspection of premises under the control of the person.
 - **1.1702(2)** Issuance of subpoena.
- a. To obtain issuance of a subpoena under this rule, a party to a proceeding in a foreign jurisdiction must either:
- (1) request a signed, blank subpoena from the clerk of an Iowa court in the county in which discovery is to be conducted pursuant to rule 1.1701(2); or
- (2) arrange for an attorney who is retained by that party and who is licensed or otherwise authorized to practice law in Iowa to issue and sign the subpoena as an officer of the court pursuant to rule 1.1701(2). Obtaining and completing a subpoena under rule 1.1702 does not constitute an appearance in the courts of this state.
- b. When a party submits a foreign subpoena to a clerk of court in this state, the clerk, pursuant to rule 1.1701(2), shall provide the party with a subpoena that is signed but otherwise blank.
 - c. A subpoena under this rule must:
- (1) Comply with rule 1.1701(1), provided, however, that for purposes of rule 1.1701(1)(a)(1), the Iowa court, in the county in which discovery is to be conducted, shall be listed as the court from which the subpoena is issued, and for purposes of rule 1.1701(1)(a)(2), the title of the action and its docket number from the foreign jurisdiction shall be used;
- (2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel; and
 - (3) Include a copy of the foreign subpoena as an attachment.
- d. Form 13 or Form 15 of rule 1.1901 may be used and shall be sufficient under this rule, so long as the form includes the information required by rule 1.1702(2)(c), and a copy of the foreign subpoena is attached as required by rule 1.1702(2)(c)(3).

- **1.1702(3)** Service of subpoena. A subpoena issued under rule 1.1702(2) must be served in compliance with rule 1.1701(3).
- **1.1702(4)** Deposition, production, and inspection. Rule 1.1701(4)-(7) applies to subpoenas issued under rule 1.1702(2).
- **1.1702(5)** Court file and docket number. An attorney may issue a subpoena without an Iowa court file being opened or a docket number assigned. If action is taken pursuant to rule 1.1702(2)(b), the clerk shall open a court file and collect a \$50 fee. If action is taken pursuant to rule 1.1702(6) and a file has not previously been opened, the clerk shall open a file and collect a \$50 fee.
- **1.1702(6)** *Motion to court.* A motion to the court for a protective order or to enforce, quash, or modify a subpoena issued under rule 1.1702(2) must comply with the rules or statutes of this state and be submitted to the court in the county in which discovery is to be conducted. Any fee paid in connection with the filing of a motion under rule 1.1702(6) shall be recoverable by the successful party against the losing party. In addition, the provisions of rule 1.517 apply to motions brought under this rule. An attorney who files such a motion or a resistance thereto must be eligible to appear in the courts of Iowa.

[Report December 6, 2012, effective February 4, 2013]

Rules 1.1703 to 1.1800 Reserved.

DIVISION XVIII

RULES OF A GENERAL NATURE

Rule 1.1801 Computing time; holidays. In computing time under these rules, the provisions of Iowa Code section 4.1, subsection 34, shall govern.

[Report 1943; amendment 1967; November 9, 2001, effective February 15, 2002]

Rule 1.1802 Death, retirement or disability of judge.

- **1.1802(1)** In the event of the death or disability of a judge in the course of a proceeding at which the judge is presiding, or while a motion for new trial or for judgment notwithstanding the verdict, or for other relief, is pending, any other judge of the district may hear or act upon the same, and, if in the judge's opinion the judge can proceed with the matter or determine the motion the judge shall do so; otherwise, the judge may order a continuance, declare a mistrial, order a new trial of all or any of the issues, or make such disposition of the matter as the situation warrants.
- **1.1802(2)** In the event of the death or disability of a judge who has under advisement an undecided motion, or case tried without a jury, any other judge of the district may be called in, or a judge from another district may be appointed by the chief justice of the supreme court to consider the same, and, if by a review of the transcript or a reargument the judge can, in the judge's opinion, become sufficiently informed to render a decision, the judge shall do so; otherwise the judge may order a continuance, declare a mistrial, or order a new trial of all or any of the issues, or direct the recalling of any witnesses, or make such disposition of the matter as the situation warrants.
- **1.1802(3)** In the event of the death, disability or retirement of a judge before the record for appeal in any case tried by the judge is settled, the record shall be settled by another judge of the district, or by a judge of another district appointed for that purpose by the chief justice of the supreme court. [Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]
- Rule 1.1803 Appeal to district court from administrative body. Where appeal to the district court from an action or decision of any officer, body or board is provided for by statute and the statute does not provide for the formulation of the issues either before such officer, body or board, or in the district court, the appellant shall file a petition in the district court within ten days after perfecting the appeal, or within such time as may be prescribed by the court. The appellee shall file motion or an answer to such petition within 20 days thereafter, or within such further time as may be prescribed by the court. Thereafter the rules of pleading and procedure in actions in the district court shall be applicable. [Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1804 Effect of notice by posting. Notice by posting shall not have legal effect except where expressly authorized by statute.

[Report 1943; amendment 1945; amendment 1973; November 9, 2001, effective February 15, 2002]

Rule 1.1805 General provisions, comments and footnotes.

1.1805(1) The past, present and future tense shall each include the others; the masculine, feminine and neuter gender shall include the others; and the singular and plural number shall each include the other.

1.1805(2) Rule and subrule headings do not in any manner affect the scope, meaning or intent of the provisions of the rules in this chapter.

1.1805(3) All references to sources, comments, and footnotes are incorporated solely for convenience in the use of the rules and do not form a part thereof. [Report 1943; amendment 1961; November 9, 2001, effective February 15, 2002]

Rule 1.1806 Rules by trial courts. Each district court, by action of a majority of its district judges, may from time to time make and amend rules governing its practice and administration not inconsistent with these rules. All such rules or changes shall be subject to prior approval of the supreme court.

[Report 1961; amendment 1969; amendment 1979; December 28, 1989, effective July 2, 1990; November 9, 2001, effective February 15, 2002]

Rule 1.1807 Purpose of administrative rules. The purpose of all rules for court administration shall be to provide for the administration of justice in an orderly, efficient and effective manner, in accordance with the highest standards of justice and judicial service.

[Report 1969; November 9, 2001, effective February 15, 2002]

Rules 1.1808 to 1.1900 Reserved.

DIVISION XIX FORMS

Rule 1.1901 Forms. The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure.

[Report 1976; Report 1978, effective July 1, 1979; amendment 1979; November 9, 2001, effective February 15, 2002]

APPENDIX OF FORMS

Rule 1.1901 — Form 1: Form of Original Notice for Personal Service

IN THE IOWA DISTRICT COURT FOR	COUNTY
Plaintiff(s), PIN	No
vs.	(INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	ORIGINAL NOTICE
TO THE ABOVE-NAMED DEFENDANT(S):	
action. A copy of the petition (and any documents filed with	of the clerk of this court naming you as the defendant in this it it is attached to this notice. The attorney for the plaintiff(s) hose address is
is, wl	; facsimile number
able time thereafter, file your motion or answer with the C county courthouse in	service of this original notice upon you and, within a reason- lerk of Court for County, at the If you do not, judgment by default may be rendered against o participate in court because of a disability, immediately call (If you are hearing impaired, call Relay Iowa
TTY at 1-800-735-2942).	
(SEAL)	
	CLERK OF COURT
	County Courthouse
IMPOI	RTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 2: Form of Original Notice Against a Nonresident Motor Vehicle Owner or Operator Under Iowa Code Section 321.500

IN THE IOWA DISTRICT COURT FO	RCOUNTY
Plaintiff(s), PIN	No
vs.	(INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	ORIGINAL NOTICE
TO THE ABOVE-NAMED DEFENDANT(S):	
You are notified that a petition has been filed in the office action. A copy of the petition (and any documents filed with is, where That attorney's telephone number is	
You must serve a motion or answer within 60 days follow of this state, and within a reasonable time thereafter, fi County, at the county or you do not, judgment by default may be rendered against y	ourthouse in, Iowa. If
	participate in court because of a disability, immediately call
(SEAL)	
	CLERK OF COURT County Courthouse , Iowa

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; amendment 1984; Report April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 3: Form of Original Notice Against Foreign Corporation or Nonresident Under Iowa Code Section 617.3

IN THE IOWA DISTRICT COURT FOR	COUNTY
Plaintiff(s), PIN	No
vs.	(INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	ORIGINAL NOTICE
TO THE ABOVE-NAMED DEFENDANT(S):	
action. A copy of the petition (and any documents filed with	of the clerk of this court naming you as the defendant in this it) is attached to this notice. The attorney for the plaintiff(s) ose address is
, wh	; facsimile number
You must serve a motion or answer within 60 days follow State of Iowa, and, within a reasonable time thereafter, f County, at the county of you do not, judgment by default may be rendered against you	courthouse in, Iowa. If
If you require the assistance of auxiliary aids or services to your district ADA coordinator at	participate in court because of a disability, immediately call (If you are hearing impaired, call Relay Iowa
(SEAL)	
- -	CLERK OF COURT County Courthouse , Iowa

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 4: Form of Original Notice for Publication

IN THE IOWA DISTRICT COURT FOR	RCOUNTY	
Plaintiff(s), PIN	No	
vs.	(INSERT "LAW" OR "EQUITY")	
Defendant(s), PIN	ORIGINAL NOTICE	
TO THE ABOVE-NAMED DEFENDANT(S):		
You are notified that a petition has been filed in the offic action, which petition prays¹, whose address is That attorney's telephone number is	e of the clerk of this court naming you as a defendant in this The attorney for the plaintiff(s) is , Iowa ; facsimile number	
You must serve a motion or answer on or before the ² 20, and, within a reasonable time thereafter, file County, at the coulows. If you do not, judgment by default may be rendered	day of, e your motion or answer with the Clerk of Court for arthouse in, against you for the relief demanded in the petition.	
	o participate in court because of a disability, immediately call	
(SEAL)		
	CLERK OF COURT	
	County Courthouse	
IMPOI	RTANT	
YOU ARE ADVISED TO SEEK LEGAL ADVICE AT O	NCE TO PROTECT YOUR INTERESTS.	

[Report 1976; Report 1978, effective July 1, 1979; amendment 1979; Report April 3, 1986, effective July 1, 1986; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

¹Here make a general statement of the claim or claims and, subject to the limitation in Iowa R. Civ. P. 1.403(1), the relief demanded (Iowa R. Civ. P. 1.302(1)).

²Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Iowa R. Civ. P. 1.303).

Rule 1.1901 — Form 5: Directions for Service of Original Notice

TO: Sheriff Co.	inty OR	TO:	
Courthouse			
, Iowa			
Serve:			
At:			
NAME AND SIGNATURE OF ATTOI	RNEY		
OR OTHER ORIGINATOR:			
BY:			
DATE: TELEPHONE NO)		
	DEPOSIT	FOR CO	OST OF SERVICE
☐ Deposit Waived			
Deposit for \$	_ required ar	nd recei	pt thereof acknowledged.
	Clerk	of Cour	t

[Report 1976; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 6: Final Pretrial Order IN THE IOWA DISTRICT COURT FOR	RCOUNTY
Plaintiff(s)	No
vs.	
Defendant(s)	FINAL PRETRIAL ORDER
FOLLOWING THE FINAL PRETRIAL CONFERENCE	IT IS ORDERED:
The following facts are undisputed: [list facts not in dispute]	
2A. The following exhibits are received without objection	on:
2B. The following exhibits are subject to objection to be	e made at trial:
3. The legal issues to be tried are: [list theories of recovery or defense]	
The factual issues to be tried are: [list the <u>principal</u> factual disputes and specificat or fault asserted by each party if applicable]	ions of negligence
5. Requested instructions, motions in limine, and trial b	oriefs shall be filed by
6. Trial will commence at	.m. on
7. It is further ordered that: [list other matters which the court desires to include the court desires the court desire	lude]
Judge for the	Judicial
District of Iov	wa

[Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 7: Dissolution of Marriage Affidavit of Financial Status

The clerk of district court shall furnish without charge to parties in a dissolution of marriage action the following form of affidavit of financial status which includes the statement of net worth required by Iowa Code section 598.13, and other information deemed pertinent when a party is seeking or resisting alimony or support allowances.

	In the lowa	District Court for	County where you are filing		
In Re	the Marriage of		, ,		
Full nam	ne: fîrst, middle, last		Dissolution of		
Petitio	oner		Affidavit of Fina	ncial Status	
vs.					
Full nam	ne: first, middle, last	Ξ¢			
Respo	ondent				
I,	, th	e Check one			
☐ Pe	etitioner 🔲 Res	spondent			
in the	above-entitled matter	r, being first duly sworn, sta	te the following is a	a true and	
		assets and liabilities, under			
incom	e under Division II, if	applicable) as of the	day of	20	
(To be si	ioned on page 4)		_ au, o		
(To be si	igned on page 4.)	Division I – Net Worth Sta	- Contract		
(To be si	igned on page 4.)		tement		
(To be si	igned on page 4.)	Division I – Net Worth Sta Juired in all dissolution case	tement		
(To be si	igned on page 4.)	Division I – Net Worth Sta juired in all dissolution case sheets, if necessary	tement		
(To be si	igned on page 4.) (Rec ssets Attach additional s	Division I – Net Worth Sta juired in all dissolution case sheets, if necessary	es § 598.13)		
(To be si	(Rec ssets Attach additional s Real estate If other, desc Description	Division I – Net Worth Sta quired in all dissolution case sheets, if necessary cribe	es § 598.13)	Net Value	
(To be si	(Recused on page 4.) (Recused Seeks Attach additional seeks Description (1) Homestead (2)	Division I – Net Worth Sta quired in all dissolution case sheets, if necessary cribe P, R, J Market Value \$	es § 598.13) Encumbrance \$\$	Net Value \$ \$\$	
(To be si	(Recused on page 4.) (Recused Seeks Attach additional seeks Description (1) Homestead (2)	Division I – Net Worth Sta quired in all dissolution case sheets, if necessary cribe P, R, J Market Value	es § 598.13) Encumbrance \$\$	Net Value \$ \$\$	
(To be si,	(Reconsected on page 4.) (Reconsected Attach additional section (1) Homestead (2) (3)	Division I – Net Worth Sta quired in all dissolution case sheets, if necessary cribe P, R, J Market Value \$	Encumbrance \$\$ \$\$	Net Value \$ \$\$	
(To be si,	(Reconsected on page 4.) (Reconsected Attach additional section of the page 4.) Real estate If other, description (1) Homestead (2)	Division I – Net Worth Staruired in all dissolution case theets, if necessary cribe P, R, J Market Value \$ \$ \$ \$	Encumbrance \$ \$ and other motorized vehicles	Net Value \$\$ \$\$ sicles	
(To be si,	(Reconsected on page 4.) (Reconsected Attach additional section (1) Homestead (2) (3) (3) Vehicles Make and year. (1)	Division I – Net Worth Staruired in all dissolution cases sheets, if necessary cribe P, R, J Market Value \$ \$ \$ Includes cars, trucks, motorcycles,	Encumbrance S and other motorized vehi	Net Value \$\$ \$\$ sicles \$\$	
(To be si,	(Reconsected on page 4.) (Reconsected Attach additional section of the consecution of th	Division I – Net Worth Staruired in all dissolution cases theets, if necessary cribe P, R, J Market Value \$ \$ \$ Includes cars, trucks, motorcycles,	Encumbrance S and other motorized vehi	Net Value \$\$ \$\$ icles \$\$ \$\$	
(To be si	(Reconsected on page 4.) (Reconsected Attach additional section of the consecution of th	Division I – Net Worth Staruired in all dissolution cases sheets, if necessary cribe P, R, J Market Value \$ \$ Includes cars, trucks, motorcycles, \$ \$ \$	Encumbrance S and other motorized vehi	Net Value \$\$ \$\$ icles \$\$ \$\$	
(To be si	(Reconsected on page 4.) (Reconsected Attach additional section (1) Homestead (2) (3) (1) Vehicles Make and year. (1) (2) (3) Life insurance Cash Value	Division I – Net Worth Staruired in all dissolution cases sheets, if necessary cribe P, R, J Market Value \$ \$ Includes cars, trucks, motorcycles, \$ \$ \$	Encumbrance S and other motorized veh S S S S S S S S S S S S S	Net Value \$\$ \$\$ sicles \$\$ \$\$	
(To be si	(Reconsects Attach additional sects Attach additional sects Description (1) Homestead (2)	Division I – Net Worth Staruired in all dissolution case wheets, if necessary cribe P, R, J Market Value \$ \$ \$ Includes cars, trucks, motorcycles, \$ \$ \$	Encumbrance S and other motorized vehicles S S S S S S S S S S S S S S S S S S	Net Value \$\$ \$\$ sicles \$\$ \$\$	

Rule 1.1901—Form 7: Dissolution of Marriage Affidavit of Financial Status, continued

2.

3.

1	Description	P, R, J	Market Value	Encumbrance	Net Value
(1) _			\$	\$	\$
(2) _			\$	\$	_ \$
(3) _			\$	_\$	_ \$
	& bank accounts r Credit Union na		e bank accounts, wi	rite "Cash" in the desc	cription.
(1)			\$	\$\$	_ \$
(2)		o <u></u>)	\$	\$	\$
(3) _			\$	\$	\$
House	hold contents				
(1) _			\$	\$	_ \$
(2) _			\$	\$\$	_ \$
(3) _			\$	\$	\$
Other	assets Itemize				
(1) _			\$	\$\$	_ \$
(2) _			\$	\$	_ \$
(3) _			\$	\$	\$
Total a	ssets				
		Total	\$	\$	\$
her De					Net Value
					_ \$
-					\$
ē					_ \$
D.					_ \$
				Tot	al \$
t Wor	th				
				Total assets	s \$
				Total debts	s \$
			Net worth Total	assets minus total debt.	s \$

Rule 1.1901—Form 7: Dissolution of Marriage Affidavit of Financial Status, continued

Division II – Current Income and Expense Information

(To be completed by all parties seeking or resisting alimony or support allowances)

1. Income source Including ADC and other support payments

			Deductions	
	Gross		Frequency see below	Net Income
A	\$	per	\$	_ \$
В	\$	per	\$	\$
c	\$	per	\$	_ \$
			Tota	ıl \$
	ns Explained <i>Specify income</i> e Source	source (a), (b),	(c), etc.	
	<u> \$ </u>	per	for	
	\$	per	for	
	\$	per	for	
Affiant's e	stimate of other spou	se's incom	e Including ADC and other suppo	ort payments
	Gross		Frequency see below	Net Income
A	\$	per	\$	_\$
В	\$	per	\$	_ \$
c	\$	per	\$	_ \$
C	\$\$	per		
			Tota	_ \$ I \$
Deduction	\$\$ Ins Explained Specify income Be Source		Tota	
Deduction	ns Explained Specify income e Source	source (a), (b),	Tota	ıl \$
Deduction	ns Explained <i>Specify income</i> e Source \$	source (a), (b),	Tota (c), etc. for	ıl \$
Deduction	ns Explained <i>Specify income</i> e Source \$	source (a), (b), per per	Tota (c), etcfor for	ıl \$
Deduction Income	ns Explained <i>Specify income</i> e Source \$\$ \$\$ \$\$	source (a), (b), per per	Tota (c), etc. for	ıl \$
Deduction Income	ns Explained Specify income e Source \$\$ \$ \$ \$ S al Arrangement	source (a), (b), per per per	Tota (c), etc. for for for	ıl \$
Deduction Income Residentia Are both spot	ns Explained Specify income e Source \$ \$ \$ \$ I Arrangement uses living in the same dwe	source (a), (b), per per per	Tota (c), etc. for for for Yes \[\] No	ıl \$
Deduction Income Residentia Are both spot	ns Explained Specify income e Source \$ \$ \$ \$ I Arrangement uses living in the same dwe	source (a), (b), per per per	Tota (c), etc. for for for	ıl \$
Deduction Income Residentia Are both spot	ns Explained Specify income e Source \$ \$ \$ \$ I Arrangement uses living in the same dwe	source (a), (b), per per per	Tota (c), etc. for for for Yes No sphysical care of the children?	ıl \$

Rule 1.1901—Form 7: Dissolution of Marriage Affidavit of Financial Status, continued

Personal expenses for Sup Note: Report all expenses uniformly e			(illiureli)	
A. House payment or rent	\$	per		-
B. Meals or food	\$	per		
C. Clothing	\$	per	i ne	
D. Car expense, transportation	n \$	per	3	
E. Medical, dental	\$	per	g	
F. Utilities and phone	\$	per	later and the second se	
G. Other expenses:	\$	per	i de	
H	\$	per	i ::-	-
1	\$	per		
		Total	of Subdivision 4	\$
J. Affiant requests:	\$	per	8	as child support
	\$	per		as temporary spousal support (alimony)
	\$	per	2	as temporary attorney f
h and Signature of Applica	nt			
Ĺ.		. have	read this Affida	avit. and I
Print full name of party completing this	document			
certify under penalty of perjuinformation I have provided i	n this Af	fidavit is true a	and correct.	
Month Day Yee	ar Affiani	t's signature*		
Mailing address		City	State	ZIP code
7			ditional email address	
() Phone number	44		4	

March 2020 Rule 1.1901—Form 7 Page 4 of 4

[Court Order June 26, 1980; July 10, 1980; July 27, 1984; Letter of request to correct total line of Division II, D by substituting "D" for "B," February 22, 1991; November 9, 2001, effective February 15, 2002; March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 1.1901 — Form 8: Financial Affidavit and Application for Appointment of Counsel

In the Iowa District Co	ourt for	County		
State of Iowa or, Plaintiff/Petitioner, vs, Defendant/Respondent.)	inancial Affidavit Appointmen	and Applicatio	
In support of my application for appointment of co	insel, and under	nenalty of periury	. the undersign	ned states:
Name:	000000 4 94,644,449 - 1014 545 1014 51 1015 104 104 60 44 60 44		1:	
Home phone: Cell phone:		_		
70 17 17 17 17 17 17 17 17 17 17 17 17 17				
Street address:Street/P.O. Box	Apt #	City	State	Zip
Pending charges:	- 10-		In jail? 🗖	Yes □ No
Do you have a job? ☐ No job ☐ Yes, full time	☐ Yes, part time	e (list hours per wee	k:)
Who do you work for?				
How much money do you currently make, before taxes			hour 🗖 mont	n 🗆 vear
How much money have you made in the last 12 month				
			idetions:	
How many family members are supported by or live w				
If a spouse lives with you, how much money does your				
List all other money you, and anyone else living in you	r household, has o	coming in:		
List what you own, including money in banks, cars, truelse worth more than \$100:	icks, other vehicle	s, land, houses, buil	dings, cash, or	anything
List amounts you pay monthly for mortgages, rent, car	loans, credit cards	s, child support, and	any other debt	s:
I understand I may be required to repay the state for to sign a wage assignment, and I must report a affidavit. I promise under penalty of perjury that am unable to pay for an attorney to represent me.	ny changes in th	he information su	bmitted on th	is financial

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 8A: Order for Appointment of Counsel

				In the Iowa District Court	for	County
		Iowa or intiff/Pe		er,)	No.	Order for Appointment of Counsel
vs.			ži.			order for repromement of counser
	Def	fendant/	Respo	ndent.		
but a	incia also		vit and	Application for Appointment of Cou	insel and ha	having received and examined Defendant's ving considered not only Defendant's income, sness of the charge or nature of the case, finds
	1.	Defend	ant:			
			Is eli	gible* for court-appointed counsel pu	rsuant to Io	wa Code section 815.9 because:
			_	Defendant's income is at or below pay for the cost of an attorney; or Defendant's income is between 125 counsel would cause Defendant sub Defendant's Income is over 200%	125% of the 5% and 200 ostantial final of the pover	e poverty guidelines and Defendant is unable to 9% of the poverty guidelines and not appointing
			Is no	t eligible for court-appointed counsel	pursuant to	Iowa Code section 815.9.
	2.			inted below to represent Defendant is		
			Defe			on, or attorney designated by the State Public epresent indigent persons in this type of case in
			other has d	designee of the State Public Defende	r for this ty n from the c	ler, and any local public defender office or pe of case in this county has been contacted and ase, or there is no designation for this type of
			۵	of case and in this county; or Does not have such a contract, but a this type of case in this county have this case; or	all attorneys been conta	Wender to represent indigent persons in this type with a contract to represent indigent persons in cted and no such attorney is available to take blic Defender has been consulted and consents
	It i	s therefo	re ord	lered that Defendant's Application for	or Appointm	ent of Counsel is
			Deni Appr this o	ed. oved, and that ase at State expense and may be cont	acted at	is appointed to represent Defendant in .
Cop	y to);		a		Judge, Judicial District

*Note: In a parole revocation proceeding, the appointment order must include additional specific findings. See Iowa Code § 908.2A(1)(c); Iowa Administrative Code 493—12.2(1)"b"(2). Do not use this form for parole revocation appointments.

[Report November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 9: Financial Affidavit of Parent and Application for Appointment of Counsel for \square Child \square Parent \square Other

In the Iowa I	istrict Court for _	County (Juvenile I	Division)
In the Interest of Child(ren).	,) Financial Affidavit of for Appointment of Co	Parent and Application ounsel for
In support of my application for	appointment of cou	unsel, and under penalty of perjur	y, the undersigned states:
Name:		Date of birth:	
Home phone:	Cell phone:	Email:	
Street address: Street/P.	0 P	1 . // C':	
		Apt # City Relationship to Child(ren): □	State Zip Parent □ Other:
		☐ Yes, part time (list hours per we	
Who do you work for?	2534	100-007 sp. 100-0	
How much money do you currently	y make, before taxes	or deductions? per [hour month year
How much money have you made	in the last 12 months	s from any source, before taxes or de	eductions?
How many family members are su	pported by or live wi	ith you?	
If a spouse lives with you, how mu	ch money does your	spouse make? per _	I hour □ month □ year
List all other money you, and anyo	ne else living in you	r household, has coming in:	
List what you own, including mon else worth more than \$100:		cks, other vehicles, land, houses, bu	ildings, cash, or anything
List amounts you pay monthly for	mortgages, rent, car	loans, credit cards, child support, ar	ad any other debts:
required to sign a wage assign	ment, and I must ider penalty of per	or my attorney fees and costs and report any changes in the info jury that the statements I make i sent me. Signature	rmation submitted on this n this application are true,

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 9A: Order for Appointment of Counsel for \square Child \square Parent \square Other In the Iowa District Court for County (Juvenile Division) In the Interest of Juvenile No. Order for Appointment of Counsel for ☐ Child ☐ Parent ☐ Other: Child(ren). day of , 20___, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only the Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following: 1. Child/Applicant: ☐ Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because: ☐ Child/Applicant's income is at or below 125% of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; or Child/Applicant's income is between 125% and 200% of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; or Child/Applicant's Income is over 200% of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship. ☐ Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232. ☐ Is not eligible for court-appointed counsel. 2. Counsel/guardian ad litem appointed below to represent Child/Applicant is: ☐ The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code § 13B.4(2) to represent indigent persons in this type of case in this county; or An attorney not designated by the State Public Defender, and any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, and the appointed attorney: ☐ Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; or Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; or Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment. It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is Denied. Approved, and that is appointed to serve as counsel/guardian ad litem in this case for at state expense and may be contacted at

*Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Judge,

Judicial District

[Report November 8, 2012, effective January 7, 2013]

Copy to:

Rule 1.1901 — Form 10: Form of Notice of Intent to File Written Application for Default IN THE IOWA DISTRICT COURT FOR No. ____ Plaintiff(s), vs. NOTICE OF INTENT TO FILE WRITTEN APPLICATION FOR DEFAULT Defendant(s). TO: (defendant) DATE OF NOTICE: (date of mailing) IMPORTANT NOTICE YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD SEEK LEGAL ADVICE AT ONCE. (Signature of Plaintiff or Attorney) (Address)

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

(Telephone Number)

Rule 1.1901 — Form 11: Petition for Termination of Parental Rights and Child Support Obligation

In the Iowa District Court for	County where you are filing this Petition
In the Matter of the Paternity of Full name: first, middle, last Child(ren)	Case no. Leave blank - Clerk of Court will fill in Petition for Termination of Parental Pights and Child Support Obligation
vs.	Rights and Child Support Obligation Rule 1.1901—Form 11
Father's full name: first, middle, last Petitioner	
I, Petitioner, state:	
Month Day Year	, and filed in County, lowa, ned, but not the biological, father of the
Contrary to my wishes, the court denic	ed my Petition to overcome paternity and

- 2. I seek to be relieved of the obligations of parenthood and child support.
- 3. I request that the court enter an order that terminates my parental rights to the above-named child(ren) and ends my obligation for any and all future child support.
- 4. Upon filing this Petition, I will serve a copy on the following individuals:
 - (a) Any parent who has not joined in this Petition, and
 - (b) any person or agency with the right to receive child support for the abovenamed child(ren).
- 5. I understand that I must provide proof to the court that I served a copy of this Petition as required in paragraph (4).

WHEREFORE, I ask the court to grant this Petition to terminate my parental rights and to relieve me from any future child support payments.

Rule 1.1901—Form 11: Petition for Termination of Parental Rights and Child Support Obligation, continued

penalty of per		oursuant		this Petition, and I ce State of lowa that the	
Month	Day	_, 20 Year	Petitioner's signature*	:	
Mailing address			City	State	ZIP code
() Phone number		Email ad	dress	Additional email addre.	ss, if applicable

March 2020 Rule 1.1901—Form 11 Page 2 of 2

Rule 1.1901 — Form 12: Court Reporter Memorandum and Certificate

IN THE IOWA DISTRICT CO	OURT FOR COUNTY
District Date in the control of the	No.
Plaintiff/Petitioner,	No
vs.	COURT REPORTER
Defendant/Respondent.	MEMORANDUM AND CERTIFICATE
COURT REPORT	TER MEMORANDUM
(The court reporter shall file this me	morandum with the district court clerk.)
Appearances:	
For Plaintiff/Petitioner	
For Defendant/Respondent	
Other	
Information required by Iowa Rule of C	ivil Procedure 1.903(3):
I (insert name) am providir Rule of Civil Procedure 1.903(3):	ng the following information as required by Iowa
1. The type of proceeding that was reported	:
2. The date(s) on which the proceeding occur	ırred:
3. The name of the court reporter who report	ted the proceeding:
4. The name of the judge who presided over	the proceeding:
5. The reporting fee for the proceeding:	

^{6.} We, the undersigned judge before whom the above-entitled case was tried, and the official court reporter who, by order of the court, reported the same, do hereby certify that the above and foregoing is the report of the whole proceedings upon the trial and/or hearing of the above-entitled cause made and take pursuant to the order and direction of the court,

in accordance with Iowa Code section 624.10.
DATED this day of,
(Signature of Court Reporter)
(Signature of Judge)
[Court Order July 31, 2008, effective October 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 13: Subpoena Form to Testify at Deposition or Produce Documents

THE IOWA DISTRICT COURT FOR COUNTY
) No SUBPOENA TO TESTIFY AT A DEPOSITION OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION
То:
YOU ARE COMMANDED to appear at the time, date, and place specified below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment:
Place:
Date: Time:
The deposition will be recorded by this method:
You or your representative must also bring with you to the deposition the following books, documents, electronically stored information, or tangible things, and permit their inspection, copying, testing, or sampling of the material:
Form of electronically stored information to be produced:
Date: Signature of Clerk of the District Court
OR
Attorney's signature
PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (If you are hearing impaired. call Relay lowa TTY at 1-800-735-2942).
The name, address, e-mail, and telephone number of the attorney representing (name of party)
, who issues or requests this subpoena:

PROOF OF SERVICE

was red	This subpoena for (name of individual and title, if any)every by me on (date)
	I personally served the subpoena on the individual at (place); or
	on (<i>date</i>); or
	I left the subpoena at the individual's dwelling house or usual place of abode with (name), a person residing therein who is at least 18 years old; or
	I served the subpoena on (name of individual), who is
	designated by law to accept service of process on behalf of (name of organization) on (date); or
	I returned the subpoena unexecuted because; or
	Other (specify):
	WITNESS FEES
_	No without for an area to do a service do a dead love Octobro 200 74
	No witness fee requested or required under lowa Code section 622.74.
	I have tendered to the witness fees for one day's attendance in the amount of \$and the
	mileage allowed by law in the amount of \$, for a total of \$
My fee	s are \$ for travel and \$ for services, for a total of \$
I declar	e under penalty of perjury that this information is true.
Date: _	
	Server's signature
	Printed name and title
	Server's address
Additio	nal information regarding attempted service, etc.:
	CERTIFICATE OF SERVICE
The un	dersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons
named	below and at the address indicated on the day of, 20_ by the following method
Name a	and address of party or attorney:
Naille à	and address of party of attorney.
	Signature of server
	1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2

[Court Order August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 14: Subpoena Form to Testify at Hearing or Trial THE IOWA DISTRICT COURT FOR _____ COUNTY SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL ACTION YOU ARE COMMANDED to appear in the lowa District Court for _____ County at the time, date, and place specified below to testify at a hearing or trial in the above case. When you arrive, you must remain in the court until a judge or court officer allows you to leave. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment: Time: _____ You must also bring with you the following books, documents, electronically stored information, or tangible things: Form of electronically stored information to be produced: Signature of Clerk of the District Court OR Attorney's signature PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at ______. (If you are hearing impaired. call Relay lowa TTY at 1-800-735-2942). The name, address, e-mail, and telephone number of the attorney representing (name of party)______ _____, who issues or requests this subpoena:

PROOF OF SERVICE

was re		a for (name of individu (date)			
	l personally se	erved the subpoena or	n the individual at	(place)	
			on (<i>date</i>)	(place); or	
	l left the subpo	oena at the individual's	s dwelling house o	or usual place of abode with (name) _	
			, a person res	siding therein who is at least 18 years	old; or
	I served the si	ubpoena on (<i>name of</i> .	individual\		, who is
	designated by	law to accept service	of process on bel	nalf of (name of organization)	,
			on (<i>date</i>)_	; or	
	I returned the	subpoena unexecuted	l because		; or
	Other (specify	۸.			
U	Other (specify	<i>J</i> .			
			WITNESS F	EES	
	No witness fee	e requested or require	d under lowa Cod	e section 622.74.	
	l barra tanadara	d to the witness force	far ana davia atta	adance in the emount of C	and the
	mileage allow	ed to the withess lees ed by law in the amou	nt of \$	ndance in the amount of \$ for a total of \$	and the
	.			•	
Mv fee	s are \$	for travel and	\$	for services, for a total of \$	
•					
I decla	re under penalty	of perjury that this info	ormation is true.		
Date: _					
			Server's signature	9	
			Printed name and	I title	
			Server's address		
Additio	nal information r	egarding attempted se	ervice, etc.:		
		(CERTIFICATE OF	SERVICE	
				e foregoing document was served, 20 by the following met	
Name	and address of	out or otto			
Name a	and address of p	earry or aπorney:			
			Signatur	e of server	
			o.g. ata		

[Court Order August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 15: Subpoena Form to Produce Documents or Permit Inspection

THE IC	WA DISTRICT COURT FOR COUNTY
) No) SUBPOENA TO PRODUCE BOOKS, DOCUMENTS, ELECTRONICALLY STORED INFORMATION, OR TANGIBLE THINGS OR TO PERMIT INSPECTION OF PREMISES
	o produce at the time, date, and place specified below the following books, rmation, or tangible things, and permit their inspection, copying, testing, or
Place:	
Date:	Time:
or controlled by you at the time, date survey, photograph, test, or sample	o permit entry onto the designated premises, land, or other property possessed , and location set forth below so that the requesting party may inspect, measure the property or any designated objection or operation on it.
Date:	Time:
Date:	Signature of Clerk of the District Court OR Attorney's signature
The name, address, e-mail, and tele	phone number of the attorney representing (name of party)
	, who issues or requests this subpoena:

PROOF OF SERVICE

was rec	This subpoena for (name of individual and title, if any)eceived by me on (date)	
	l personally served the subpoena on the individual at (place); or	
	l left the subpoena at the individual's dwelling house or usual place of abode with (<i>name</i>), a person residing therein who is at least 18 years old; or	
	I served the subpoena on (name of individual), designated by law to accept service of process on behalf of (name of organization), on (date); or	who is
	I returned the subpoena unexecuted because	_; or
	Other (specify):	
	WITNESS FEES	
	No witness fee requested or required under lowa Code section 622.74.	
	I have tendered to the witness fees for one day's attendance in the amount of \$and t mileage allowed by law in the amount of \$, for a total of \$	he _·
My fees	es are \$ for travel and \$ for services, for a total of \$	·
l declar	are under penalty of perjury that this information is true.	
Date: _	Server's signature	
	Printed name and title	
	Server's address	
Addition	onal information regarding attempted service, etc.:	
	CERTIFICATE OF SERVICE	
The uno	ndersigned hereby certifies that a genuine copy of the foregoing document was served upon the delow and at the address indicated on the day of, 20 by the following method	persons
Name a	and address of party or attorney:	
		
	Signature of server	

[Court Order August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 16: Expedited Civil Action Certification

	In the Iowa District Court for	County
Plaintit	ff of Plaintiff: first, middle, last	Civil case no
vs.		Expedited Civil Action Certification
Defenc Full name	dant of Defendant: first, middle, last	
Plaintiff,	Name of Plaintiff	, together with Plaintiff's attorney,
Name of	fattorney, elec	ct to bring this lawsuit as an Expedited
	tion under lowa Rule of Civil Procedure 1.	.281.
compuls including	sory counterclaims) for all damages by or	oney judgment and that all claims (other than against any one party total \$75,000 or less, g interest, and attorney fees, but excluding postjudgment interest, and costs.
Plaintiff	certifies the following:	
1.	I am a plaintiff in this action.	
2.	If I am represented by an attorney, I have Expedited Civil Action procedures available	ve conferred with my attorney about using the able to parties in the State of Iowa.
3.	total amount of my recovery will not exc accrued after the filing, postjudgment in defendant can be liable for more than \$3	under Expedited Civil Action procedures, the eed \$75,000, excluding prejudgment interest terest, and court costs. Additionally, no single 75,000 to all plaintiffs combined, excluding iling, postjudgment interest, and court costs.
4.	jury were to award more than \$75,000 in	more than \$75,000 as damages to me, or if an total against a single defendant, the trial address to \$75,000, plus any applicable be entitled.
With this	s knowledge, I agree to proceed under the	e Expedited Civil Action procedures.
Dated th	his day of, 20	
		Plaintiff

Rule 1.1901—Form 16: Expedited Civil Action Certification, continued

I,	's name		certify under penalty of perjury and pursuant to the
laws of the Sta	ate of lowa that t	ne preceding	is true and correct.
Month	Day	, 20 <u>Year</u>	
Handwritten sigr	nature of Plaintiff		Full name of Plaintiff: first, middle, last
			Plaintiff's attorney's name, if applicable
			Signature of attorney, if applicable
			Law firm, if applicable
			Mailing addr. of attorney (or Plaintiff if unrepresented)
			Telephone no. of attorney (or Plaintiff if unrepresented,
			Email address of attorney (or Plaintiff if unrepresented
			Additional email address, if available

Rule 1.1901 — Form 17: Alternative Expedited Civil Action Certification

•	
In the Iowa District Court for	County
Plaintiff Full name of Plaintiff: first, middle, last vs.	Alternative Expedited Civil Action Certification for Plaintiffs that Are Not Natural Persons or Otherwise Must Act Through a Representative
Defendant Full name of Defendant: first, middle, last	
Plaintiff, Name of Plaintiff , election of attorney Civil Action under Iowa Rule of Civil Procedure 1.	, together with Plaintiff's attorney, ct to bring this lawsuit as an Expedited
Plaintiff certifies that the sole relief sought is a mocompulsory counterclaims) for all damages by or including damages of any kind, penalties, prefiling prejudgment interest accrued after the filing date,	oney judgment and that all claims (other than against any one party total \$75,000 or less, g interest, and attorney fees, but excluding
The undersigned person certifies the following:	
1. I am the of Plaintiff in the certification.	nis action. I am duly authorized to execute this
20 1-20 10 10 10 10 10 10 10 10 10 10 10 10 10	I have conferred with that attorney about ures available to parties in the State of Iowa.
total amount of Plaintiff's recovery will no interest accrued after the filing, postjudg no single defendant can be liable for mo	under Expedited Civil Action procedures, the ot exceed \$75,000, excluding prejudgment iment interest, and court costs. Additionally, are than \$75,000 to all plaintiffs combined, after the filing, postjudgment interest, and

4. I understand that if a jury were to award more than \$75,000 as damages to Plaintiff, or if a jury were to award more than \$75,000 in total against a single defendant, the trial judge would reduce the amount of the judgment to \$75,000, plus any applicable interest and court costs to which Plaintiff may be entitled.

Continued on next page

Rule 1.1901—Form 17: Alternative Expedited Civil Action Certification, continued

With this knowledge, Plaintiff agrees to proceed	under the Expedited Civil Action procedures.
Dated this day of, 20, Ye	ar.
	Plaintiff
	Name and title of Plaintiff's representative signing this form
Oath and Signature	
I,, ce Print name of Plaintiff's representative	ertify under penalty of perjury and pursuant to the
laws of the State of lowa that the preceding is	true and correct.
Month Day Year	
Handwritten signature of Plaintiff's representative	Full name of Plaintiff's representative
	Name of attorney
	Signature of attorney
	Name of law firm
	Mailing address of attorney
	Telephone number of attorney
	Email address of attorney
	Additional email address, if available

Rule 1.1901 — Form 18: Joint Motion to Proceed as an Expedited Civil Action

	in ti	ne Iowa Dis	trict Court fo			County	
PI	aintiff			Civil c	ase no		
77345	'ull name of Plaintiff: first, middle, last			Joint Motion to Proceed as a Expedited Civil Action			
	efendant I name of Defendant: fir	st, middle, last	-3				
1.	Pursuant to Iowa			20 20 30000		eby mov	e upon
2.	All parties agree	to this motion	١.				
3.	If the court grants this joint motion, the parties acknowledge and agree that this case will be subject to the Expedited Civil Action rule (Iowa R. Civ. P. 1.281), except for any limitations on damages set forth in the rule.						
Sta	atus of Trial Sch	eduling and	Discovery Plar	1: Check o	one		
	The parties have current trial date wish to retain that conflict between Procedure 1.281	of It trial date. T the existing T	he parties ackr rial Scheduling	nowledge and Dis	e and agree tha covery Plan ar	at in the	The parties event of any
	The parties will b case.	e filing a Tria	l Scheduling an	d Disco	very Plan in an	Expedit	ed Civil Action
	ertify that all partie en served with a c			n have a	greed to this Jo	oint Moti	on and have
Sig	ned: Month	Day	, 20 	arty's or	attorney's signatu	ıre	 ,
		***************************************		1861.55	, years and a second		
Pri	nted name		A	lttorney's	law firm, if applic	able	
Ma	iling address		(City		State	ZIP code
Pho	one number		Email addre	'SS	Additional	email add	dress, if applicable

Rule 1.1901 — Form 19: Health Care Provider Statement in Lieu of Testimony

	In the Iowa District Court for	County
	i ntiff name of Plaintiff: first, middle, last	Civil case no Health Care Provider Statement in Lieu of Testimony (and Attorney Certificate)
	fendant name of Defendant: first, middle, last	
Тур	ient Name: be of Incident: e of Incident:	
Ans	below. Be sure that the question to which yo additional page. Number of additional pages:	pages for any of your answers to the questions our answer relates appears at the top of each ons do you hold, if any, and what year was
2.	What injuries, if any, did	sustain in the above-referenced incident?
3.	Did ${Patient}$ have any pre-existing, sy aggravated by the injuries sustained in the in conditions and the extent of their aggravation	cident? If so, describe the pre-existing
4.	Did ${Patient}$ have any pre-existing, no that became symptomatic as a result of the in	ondisabling, nonsymptomatic conditions ncident? If so, describe.
	-	

Rule 1.1901—Form 19: Health Care Provider Statement in Lieu of Testimony, continued

5.	What treatment has received from you that was necessitated by the
	injuries sustained in the incident? Include treatment provided by other care providers to the extent you are aware of such. Include medications prescribed, therapy recommended, surgery recommended and any other treatments needed as a result of this condition.
3.	Have there been or are there any restrictions or limitations placed on
	due to injuries sustained in the incident? If so, describe them, including the actual or expected duration of the restrictions or limitations.
7.	Has made a full recovery from the injuries sustained in the
	Patient incident? If not, what are your expectations for regarding future
	symptoms and the duration of such symptoms?
3.	Is there any additional care or medications that may reasonably be required in the future as a result of the injuries sustained in the incident? If so, describe the expected care, including the expected frequency, duration, and cost.
9.	Is now susceptible to further health problems in the future as a
	result of injuries sustained in the incident? If so, explain.
0.	Is there anything has done or failed to do that has aggravated
	his or her condition or impaired his or her recovery? If so, explain.
1.	Have you reviewed or relied upon any medical records other than those generated by you or other providers in your office in forming your opinions to the answers to the questions above? If so, identify or attach the records that you have reviewed and relied upon in forming your answers.
	# a

Rule	1.1901—Fo	orm 19: Health	a Care Provide	er Statement ir	a Lieu of Testimony, continued	
12.					ents or information about	or
					cated above? If so, state what documents or anner by which you received it.	
Oat	th and S	Signature				
	l, Health co	re provider's	name		_, certify under penalty of perjury and pursuant to th	е
	laws of th	ne State of	lowa that th	ne precedir	ng is true and correct.	
		16.1		, 20	To the same of the	
ì	Signed on:	Month	Day	Year	Health care provider's signature	

Attorney Certificate on next page

Rule 1.1901—Form 19: Health Care Provider Statement in Lieu of Testimony, continued

Attorney Certificate

			ations between you or anyone in your office and er or anyone in the provider's office regarding
Patient			
For each such commu was written or electron			te of the communication and, if the communication communications:
Oath and Signature I,			
Month	Day	, 20 	Information supplied by:
Handwritten signature			Full name: first, middle, last
			Law firm, if applicable
			Mailing address
			Telephone number
			Email address
			Additional email address - if available

CHAPTER 2 RULES OF CRIMINAL PROCEDURE

INDICTABLE OFFENSES

Rule 2.1	Scope of rul	Scope of rules and definitions				
Rule 2.2		before the magistrate				
Rule 2.3	The grand ju					
Rule 2.4	Indictment					
Rule 2.5	Information					
Rule 2.6	Multiple offe	Multiple offenses or defendants; pleading special matters				
Rule 2.7		Proceedings after indictment or information				
Rule 2.8	_	Arraignment and plea				
Rule 2.9		Trial assignments				
Rule 2.10		Plea bargaining				
Rule 2.11		Motions and pleadings				
Rule 2.12		Suppression of evidence obtained by an unlawful search and seizure				
Rule 2.13		Depositions				
Rule 2.14	Discovery	•				
Rule 2.15		Subpoenas				
Rule 2.16		Pretrial conference				
Rule 2.17		Trial by jury or court				
Rule 2.18		Juries				
Rule 2.19	Trial					
Rule 2.19	Witnesses					
Rule 2.21	Evidence					
Rule 2.22	Verdict					
Rule 2.23	Judgment					
Rule 2.24	Motions afte	er trial				
Rule 2.25		Bill of exceptions				
Rule 2.26		Execution and stay thereof				
Rule 2.27		Presence of defendant; regulation of conduct by the court				
Rule 2.28		Right to appointed counsel				
Rule 2.29		t of appellate counsel in criminal cases				
Rule 2.30		Duty of continuing representation; withdrawal				
Rule 2.31		Compensation of appointed appellate counsel				
Rule 2.32		ppointment of Counsel				
Ruic 2.32	Form 1:	Financial Affidavit and Application for Appointment of Counsel				
	Form 1A:	Order for Appointment of Counsel				
	Form 2:	Financial Affidavit of Parent and Application for				
	1 01111 21	Appointment of Counsel for \square Child \square Parent \square Other				
	Form 2A:	Order for Appointment of Counsel for \square Child \square Parent \square Other				
Rule 2.33	Dismissal of	prosecutions; right to speedy trial				
Rule 2.34		Motions, orders and other papers				
Rule 2.35	Rules of cou					
Rule 2.36		earch and arrest warrants				
1taic 2.50	Form 1:	Search Warrant				
	Form 2:	Application for Search Warrant				
	Form 3:	Endorsement on Search Warrant Application				
	Form 4:	Return of Service				
	Form 5:	Arrest Warrant on a Complaint				
	Form 6:	Arrest Warrant After Indictment or Information				
	Form 7:	Arrest Warrant When Defendant Fails to Appear for				
	1 01111 / .	Sentencing Sentencing				
Rule 2.37	Forms other	than warrants				
ILMIN DIJ	Form 1:	Bail Bond				
	Form 2:	Order for Discharge of Defendant Upon Bail				
		O				

	Form 3:	Order for Discharge of Defendant Upon Bail: Another				
		Form				
	Form 4:	Trial Information				
	Form 5:	General Indictment Form				
	Form 6:	Written Arraignment and Plea of Not Guilty				
	Form 7:	Application for Postconviction Relief Form				
Rules 2.38 to 2.50	Reserved					
SIMPLE MISDEMEANORS						
Rule 2.51	Scope					
Rule 2.52	Applicability of indictable offense rules					
Rule 2.53	To whom tried					
Rule 2.54	The charge					
Rule 2.55	Contents of the complaint					
Rule 2.56	Filing of complaint					
Rule 2.57	Arrest warrant					
Rule 2.58	Arrest					
Rule 2.59	Prosecution of corporations					
Rule 2.60	Appearance of defendant					
Rule 2.61	Rights of defendant					
Rule 2.62	Bail					
Rule 2.63	Plea					
Rule 2.64	Trial date					
Rule 2.65	Change of venue					
Rule 2.66	Bailiff obtained					
Rule 2.67	Selection of jury; trial					
Rule 2.68	Judgment					
Rule 2.69	Costs taxed to prosecuting witness					
Rule 2.70	Suppression of evidence and disposition of seized property					
Rule 2.71	Joint trials					
Rule 2.72	Forfeiture of collateral in lieu of appearance					
Rule 2.73	Appeals					
Rule 2.74	New trial					
Rule 2.75	Correction or reduction of sentence					
Rule 2.76	Forms					
	Form 1:	Complaint				
	Form 2:	Consent to Forfeiture of Collateral as Disposition of Misdemeanor				
	Form 3:	Notice of Appeal to a District Court Judge From a Judgment or Order				
	Form 4:	Bail Bond on Appeal to District Court				

CHAPTER 2 RULES OF CRIMINAL PROCEDURE

INDICTABLE OFFENSES

Rule 2.1 Scope of rules and definitions.

- **2.1(1)** *Scope.* The rules in this section provide procedures applicable to indictable offenses.
- **2.1(2)** Definitions.
- a. "Committing magistrate" means judicial magistrates, district associate judges, and district judges.
- b. "Judicial officer" means justices of the supreme court, judges of the court of appeals, and committing magistrates.
- c. "Mentally ill," as used in these rules, describes the condition of a person who is suffering from a mental disease or disorder and who, by reason of that condition, lacks sufficient judgment to make responsible decisions regarding treatment and is reasonably likely to injure the person's self or others who may come into contact with the person if the person is allowed to remain at liberty without treatment.
- d. "Unnecessary delay" is any unexcused delay longer than 24 hours, and consists of a shorter period whenever a magistrate is accessible and available. [66GA, ch 1245(2), §1301; 67GA, ch 153, §2, 3; amendment 1981; 1984 Iowa Acts, ch 1323, §4; Report November 9, 2001, effective February 15, 2002]

Rule 2.2 Proceedings before the magistrate.

- **2.2(1)** *Initial appearance of defendant.* An officer making an arrest with or without a warrant shall take the arrested person without unnecessary delay before a committing magistrate as provided by rule 2.27. When a person arrested without a warrant is brought before a magistrate, a complaint shall be filed forthwith. If the defendant received a citation or was arrested without a warrant, the magistrate shall, prior to further proceedings in the case, make an initial, preliminary determination from the complaint, or from an affidavit or affidavits filed with the complaint or from an oral statement under oath or affirmation from the arresting officer or other person, whether there is probable cause to believe that an offense has been committed and that the defendant has committed it. The magistrate's decision in this regard shall be entered in the magistrate's record of the case.
- **2.2(2)** Statement by the magistrate. The magistrate shall inform a defendant who appears before the magistrate after arrest, complaint, summons, or citation of the complaint against the defendant, of the defendant's right to retain counsel, of the defendant's right to request the appointment of counsel if the defendant is unable by reason of indigency to obtain counsel, of the general circumstances under which the defendant may secure pretrial release, of the defendant's right to review of any conditions imposed on the defendant's release and shall provide the defendant with a copy of the complaint. The magistrate shall also inform the defendant that the defendant is not required to make a statement and that any statement made by the defendant may be used against the defendant. The magistrate shall allow the defendant reasonable time and opportunity to consult counsel.
- **2.2(3)** Counsel for indigent. The magistrate may appoint counsel to represent the defendant at public expense if the magistrate determines the defendant to be indigent in accordance with Iowa Code section 815.9.
- **2.2(4)** *Preliminary hearing.* The defendant shall not be called upon to plead and the magistrate shall proceed as follows:
- a. Preliminary hearing. The magistrate shall inform the defendant of the right to a preliminary hearing unless the defendant is indicted by a grand jury or a trial information is filed against the defendant or unless preliminary hearing is waived in writing or on the record. If the defendant waives preliminary hearing, the magistrate shall order the defendant held to answer in further proceedings. If the defendant does not waive the preliminary hearing, the magistrate shall schedule a preliminary hearing and inform the defendant of the date of the preliminary hearing. Such hearing shall be held within a reasonable time but in any event not later than 10 days following the initial appearance if the defendant is in custody and no later than 20 days if the defendant is not in custody. Upon showing of good cause, the time limits specified in this paragraph may be extended by the magistrate.
- b. Probable cause finding. If from the evidence it appears that there is probable cause to believe that an offense has been committed and that the defendant committed it, the magistrate shall order the

defendant held to answer in further proceedings. The finding of probable cause shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. The defendant may cross-examine witnesses and may introduce evidence in the defendant's own behalf.

- c. Constitutional objections. Rules excluding evidence on the ground that it was acquired by unlawful means are not applicable. Motions to suppress must be made to the trial court as provided in rule 2.11(2).
- d. Private hearing. Upon defendant's request and after making specific findings on the record that: (1) there is a substantial probability that the defendant's right to a fair trial will be prejudiced by publicity that closure would prevent and, (2) reasonable alternatives to closure cannot adequately protect the defendant's fair trial rights, the magistrate may exclude from the hearing all persons except the magistrate, the magistrate's clerk, the peace officer who has custody of the defendant, a court reporter, the attorney or attorneys representing the state, a peace officer selected by the attorney representing the state, the defendant, and the defendant's counsel.
- e. Discharge of defendant. If from the evidence it appears that there is no probable cause to believe that an offense has been committed or that the defendant committed it, the magistrate shall dismiss the complaint and discharge the defendant. The discharge of the defendant shall not preclude the government from instituting a subsequent prosecution for the same offense.
- f. Transmission of magistrate's record entries. After concluding the proceeding the magistrate shall transmit forthwith to the clerk of the district court all papers and recordings in the proceeding.
- g. Preliminary hearing testimony preserved by stenographer or tape recorder; production prior to trial. Proceedings at the preliminary hearing shall be taken down by a court reporter or recording equipment and shall be made available on the following basis:
- (1) On timely application to a magistrate, for good cause shown, and subject to the availability of facilities, the attorney for a defendant in a criminal case may be given the opportunity to have the recorded tape of the hearing on preliminary examination replayed in connection with any further hearing or in connection with the attorney's preparation for trial.
- (2) On application of a defendant addressed to a district judge, showing that the record of preliminary hearing, in whole or in part, should be made available to the defendant's counsel, an order may issue that the clerk make available a copy of the record, or of a portion thereof, to defense counsel. The order shall require prepayment of the costs of the record by the defendant. However, if the defendant is indigent the record shall be made at public expense. The prosecution may move also that a copy of the record, in whole or in part, be made available to it, for good cause shown, and an order may be entered granting such motion in whole or in part, on appropriate terms, except that the government need not prepay costs nor furnish security therefor.
- (3) The copy of the record of such proceedings furnished pursuant to rule 2.2(4)(g)(2) may consist of a tape of the recorded proceedings or a stenographic transcript of the proceedings.

If the record is ordered, the court shall specify in its order to the magistrate an appropriate method of making the record available. If, in any circumstance, a typewritten transcript is furnished counsel, a copy thereof shall be filed with the clerk of court.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §4 to 7; 69GA, ch 117, §1241; 1983 Iowa Acts, ch 186, §10143 and 10144; Report January 31, 1989, effective May 1, 1989; April 20, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002]

Rule 2.3 The grand jury.

2.3(1) Drawing grand jurors. At such times as prescribed by the chief judge of the district court in the public interest, the names of the twelve persons constituting the panel of the grand jury shall be placed by the clerk in a container, and after thoroughly mixing the same, in open court the clerk shall draw therefrom seven names, and the persons so drawn shall constitute the grand jury. Computer selection processes may be used to randomly draw the seven names. Should any of the persons so drawn be excused by the court or fail to attend on the day designated for their appearance, the clerk shall draw either manually or by use of a computer selection process additional names until the seven grand jurors are secured.

If the panel is insufficient to provide and maintain a grand jury of seven members, the panel shall be refilled from the jury box or computer selection process by the clerk of the court under direction of the court; additional grand jurors shall be selected until a grand jury of seven grand jurors is secured, and they shall be summoned in the manner as those originally drawn.

2.3(2) Challenge to grand jury.

- a. Challenge to array. A defendant held to answer for a public offense may, before the grand jury is sworn, challenge the panel or the grand jury, only for the reason that it was not composed or drawn as prescribed by law. If the challenge be sustained, the court shall thereupon proceed to take remedial action to compose a proper grand jury panel or grand jury.
- b. Challenge to individual jurors. A challenge to an individual grand juror may be made before the grand jury is sworn as follows:
- (1) By the state or the defendant, because the grand juror does not possess the qualifications required by law.
 - (2) By the state only because:
- 1. The juror is related either by affinity or consanguinity nearer than in the fifth degree, or stands in the relation of agent, clerk, servant, or employee, to any person held to answer for a public offense, whose case may come before the grand jury.
- 2. The juror is providing bail for anyone held to answer for a public offense, whose case may come before the grand jury.
- 3. The juror is defendant in a prosecution similar to any prosecution to be examined by the grand jury.
- 4. The juror is, or within one year preceding has been, engaged or interested in carrying on any business, calling, or employment the carrying on of which is a violation of law, and for which the juror may be indicted by the grand jury.
 - (3) By the defendant only because:
 - 1. The juror is a complainant upon a charge against the defendant.
- 2. The juror has formed or expressed such an opinion as to the guilt or innocence of the defendant as would prevent the juror from rendering a true indictment upon the evidence submitted.
- c. Decision by court. Challenges to the panel or to an individual grand juror shall be decided by the court.
- d. Motion to dismiss. A motion to dismiss the indictment may be based on challenges to the array or to an individual juror, if the grounds for challenge which are alleged in the motion of the defendant have not previously been determined pursuant to a challenge asserted by the defendant pursuant to rule 2.3(2)(a) or 2.3(2)(b).

2.3(3) Discharging and summoning jurors.

- a. Discharge. A grand jury, on the completion of its business, shall be discharged by the court. The grand jury shall serve until discharged by the court, and the regular term of service by a grand juror should not exceed one calendar year. However, when an investigation which has been undertaken by the grand jury is incomplete, the court may by order extend the eligibility of a grand juror beyond one year, to the completion of the investigation.
- b. Summoning jurors. Upon order of the court the clerk shall issue a precept or precepts to the sheriff, commanding the sheriff to summon the grand juror or jurors. Upon a failure of a grand juror to obey such summons without sufficient cause, the grand juror may be punished for contempt.
- c. Excusing jurors. If the court excuses a juror, the court may impanel another person in place of the juror excused. If the grand jury has been reduced to fewer than seven by reason of challenges to individual jurors being allowed, or from any other cause, the additional jurors required to fill the panel shall be summoned, first, from such of the twelve jurors originally summoned which were not drawn on the grand jury as first impaneled, and if they are exhausted the additional number required shall be drawn from the grand jury list. If a challenge to the array is allowed, a new grand jury shall be impaneled to inquire into the charge against the defendant in whose behalf the challenge to the array has been allowed, and they shall be summoned in the manner prescribed in this rule.

2.3(4) Oaths and procedure.

a. Foreman or forewoman. From the persons impaneled as grand jurors the court shall appoint a foreman or forewoman, or when the foreman or forewoman already appointed is discharged, excused, or from any cause becomes unable to act before the grand jury is finally discharged, an acting foreman or forewoman may be appointed.

The foreman or forewoman of the grand jury may administer the oath to all witnesses produced and examined before it.

b. Clerks, bailiffs and court attendants. The court may appoint as clerk of the grand jury a competent person who is not a member thereof. In addition the court may, if it deems it necessary, appoint assistant clerks of the grand jury. If no such appointments are made by the court, the grand

jury shall appoint as its clerk one of its own number who is not its foreman or forewoman. In like manner the court may appoint bailiffs for the grand jury to serve with the powers of a peace officer while so acting.

c. Oaths administered to grand jury, clerk, bailiff, and court attendant. The following oath shall be administered to the grand jury: "Do each of you, as the grand jury, solemnly swear or affirm that you will diligently inquire and true presentment make of all public offenses against the people of this state, triable on indictment within this county, of which you have or can obtain legal evidence; you shall present no person through malice, hatred, or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof, but in all your presentments that you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding?"

Any clerk, assistant clerk, bailiff, or court attendant appointed by the court must be given the following oath: "Do you solemnly swear that you will faithfully and impartially perform the duties of your office, that you will not reveal to anyone its proceedings or the testimony given before it and will abstain from expressing any opinion upon any question before it, to or in the presence or hearing of the grand jury or any member thereof?"

- d. Secrecy of proceedings. Every member of the grand jury, and its clerks, bailiffs and court attendants, shall keep secret the proceedings of that body and the testimony given before it, except as provided in rule 2.14. No such person shall disclose the fact that an indictment has been found except when necessary for the issuance and execution of a warrant or summons, and such duty of nondisclosure shall continue until the indicted person has been arrested. The prosecuting attorney shall be allowed to appear before the grand jury on his or her own request for the purpose of giving information or for the purpose of examining witnesses, and the grand jury may at all reasonable times ask the advice of the prosecuting attorney or the court. However, neither the prosecuting attorney nor any other officer or person except the grand jury may be present when the grand jury is voting upon the finding of an indictment.
- e. Securing witnesses and records. The clerk of the court must, when required by the foreman or forewoman of the grand jury or prosecuting attorney, issue subpoenas including subpoenas duces tecum for witnesses to appear before the grand jury.

The grand jury is entitled to free access at all reasonable times to county institutions and places of confinement, and to the examination without charge of all public records within the county.

- f. Minutes. The clerk of the grand jury shall take and preserve minutes of the proceedings and of the evidence given before it, except the votes of its individual members on finding an indictment.
- g. Evidence for defendant. The grand jury is not bound to hear evidence for the defendant, but may do so, and must weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it may order the same produced.
- h. Refusal of witness to testify. When a witness under examination before the grand jury refuses to testify or to answer a question, it shall proceed with the witness before a district judge, and the foreman or forewoman shall then distinctly state before a district judge the question and the refusal of the witness, and if upon hearing the witness the court decides that the witness is bound to testify or answer the question propounded, the judge shall inquire whether the witness persists in refusing and, if the witness does, shall proceed with the witness as in cases of similar refusal in open court.
- i. Effect of refusal to indict. If, upon investigation, the grand jury refuses to find an indictment against one charged with a public offense, it shall return all papers to the clerk, with an endorsement thereon, signed by the foreman or forewoman, to the effect that the charge is ignored. Thereupon, the district judge must order the discharge of the defendant from custody if in jail, and the exoneration of bail if bail be given. Upon good cause shown, the district judge may direct that the charge again be submitted to the grand jury. Such ignoring of the charge does not prevent the cause from being submitted to another grand jury as the court may direct; but without such direction, it cannot again be submitted.
- j. Duty of grand jury. The grand jury shall inquire into all indictable offenses brought before it which may be tried within the county, and present them to the court by indictment. The grand jury shall meet at times specified by order of a district judge. In addition to those times, the grand jury shall meet at the request of the county attorney or upon the request of a majority of the grand jurors.

It is made the special duty of the grand jury to inquire into:

(1) The case of every person imprisoned in the detention facilities of the county on a criminal charge and not indicted.

- (2) The condition and management of the public prisons, county institutions and places of detention within the county.
 - (3) The unlawful misconduct in office in the county of public officers and employees.
- k. Appearance not required. A person under the age of ten years shall not be required to personally appear before a grand jury to testify against another person related to the person or another person who resided with the person at the time of the action which is the subject of the grand jury's investigation, unless there exists a special order of the court finding that the interests of justice require the person's appearance and that the person will not be disproportionately traumatized by the appearance. [66GA, ch 1245(2), §1301; 67GA, ch 153, §8 to 11, ch 1037, §11; amendment 1980; amendment 1983; 1985 Iowa Acts, ch 174, §12; Report November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 2.4 Indictment.

- **2.4(1)** *Defined.* An indictment is an accusation in writing, found and presented by a grand jury legally impaneled and sworn to the court in which it is impaneled, charging that the person named therein has committed an indictable public offense.
- **2.4(2)** Use of indictment. Criminal offenses other than simple misdemeanors may be prosecuted to final judgment either on indictment or on information as provided in rule 2.5.
- **2.4(3)** Evidence to support. An indictment should be found when all the evidence, taken together, is such as in the judgment of the grand jury, if unexplained, would warrant a conviction by the trial jury; otherwise it shall not. An indictment can be found only upon evidence given by witnesses produced, sworn, and examined before the grand jury, or furnished by legal documentary evidence, or upon the stenographic or taped record of evidence given by witnesses before a committing magistrate. If an indictment is found in whole or in part upon testimony taken before a committing magistrate, the clerk of the grand jury shall write out a brief minute of the substance of such evidence, and the same shall be returned to the court with the indictment.
- **2.4(4)** *Vote necessary.* An indictment cannot be found without the concurrence of five grand jurors. Every indictment must be endorsed "a true bill" and the endorsement signed by the foreman or forewoman of the grand jury.
- **2.4(5)** Presentation and filing. An indictment, when found by the grand jury and properly endorsed, shall be presented to the court with the minutes of evidence of the witnesses relied on. The presentation shall be made by the foreman or forewoman of the grand jury in the presence of the members of the grand jury. The indictment, minutes of evidence, and all exhibits relating thereto shall be transmitted to the clerk of the court and filed by the clerk.

2.4(6) *Minutes.*

- a. Contents. A minute of evidence shall consist of a notice in writing stating the name and occupation of the witness upon whose testimony the indictment is found, and a full and fair statement of the witness' testimony before the grand jury and a full and fair statement of additional expected testimony at trial.
- b. Copy to defense. Such minutes of evidence shall not be open for the inspection of any person except the judge of the court, the prosecuting attorney, or the defendant and the defendant's counsel. The clerk of the court must, on demand made, furnish the defendant or his or her counsel a copy thereof without charge.
- c. Minutes used again. A grand jury may consider minutes of testimony previously heard by the same or another grand jury. In any case, a grand jury may take additional testimony.
- **2.4(7)** Contents of indictment. An indictment is a plain, concise, and definite statement of the offense charged. The indictment shall be signed by the foreman or forewoman of the grand jury. The names of all witnesses on whose evidence the indictment is found must be endorsed thereon. The indictment shall substantially comply with the form that accompanies these rules. The indictment shall include the following:
- a. The name of the accused, if known, and if not known, designation of the accused by any name by which the accused may be identified.
- b. The name and if provided by law the degree of the offense, identifying by number the statutory provision or provisions alleged to have been violated.
- c. Where the time or place is a material ingredient of the offense a brief statement of the time or place of the offense if known.
- d. Where the means by which the offense is committed are necessary to charge an offense, a brief statement of the acts or omissions by which the offense is alleged to have been committed.

No indictment is invalid or insufficient, nor can the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in a matter of form which does not prejudice a substantial right of the defendant.

2.4(8) *Amendment.*

- a. Generally. The court may, on motion of the state, either before or during the trial, order the indictment amended so as to correct errors or omissions in matters of form or substance. Amendment is not allowed if substantial rights of the defendant are prejudiced by the amendment, or if a wholly new and different offense is charged.
- b. Amendment before trial. If the application for an amendment be made before the commencement of the trial, the application and a copy of the proposed amendment shall be served upon the defendant, or upon the defendant's attorney of record, and an opportunity given the defendant to resist the same.
- c. Amendment during trial. If the application be made during the trial, the application and the amendment may be dictated into the record in the presence of the defendant and the defendant's counsel, and such record shall constitute sufficient notice to the defendant.
- d. Continuance. When an application for amendment is sustained, no continuance or delay in trial shall be granted because of such amendment unless it appears that defendant should have additional time to prepare because of such amendment.
- e. Amendment of minutes. Minutes may be amended in the same manner and to the same extent that an indictment may be amended.
- [66GA, ch 1245(2), §1301; 67GA, ch 153, §12, 13; amendment 1979; amendment 1980; amendment 1999; Report November 9, 2001, effective February 15, 2002; December 23, 2008, effective February 23, 2009; April 2, 2009, effective June 1, 2009]

Rule 2.5 Information.

2.5(1) Prosecution on information. All indictable offenses may be prosecuted by a trial information. An information charging a person with an indictable offense may be filed with the clerk of the district court at any time, whether or not the grand jury is in session. The county attorney shall have the authority to file such a trial information except as herein provided or unless that authority is specifically granted to other prosecuting attorneys by statute.

The attorney general, unless otherwise authorized by law, shall have the authority to file such a trial information upon the request of the county attorney and the determination of the attorney general that a criminal prosecution is warranted.

- **2.5(2)** *Endorsement.* An information shall be endorsed "a true information" and shall be signed by the prosecuting attorney.
- **2.5(3)** Witness names and minutes. The prosecuting attorney shall, at the time of filing such information, also file the minutes of evidence of the witnesses which shall consist of a notice in writing stating the name and occupation of each witness upon whose expected testimony the information is based, and a full and fair statement of the witness' expected testimony.
- **2.5(4)** Approval by judge. Prior to the filing of the information, it must be approved by a district judge, or a district associate judge or judicial magistrate having jurisdiction of the offense. If the judge or magistrate finds that the evidence contained in the information and the minutes of evidence, if unexplained, would warrant a conviction by the trial jury, the judge or magistrate shall approve the information which shall be promptly filed. If not approved, the charge may be presented to the grand jury for consideration. At any time after judicial approval of an information, and prior to the commencement of trial, the court, on its own motion, may order the information set aside and the case submitted to the grand jury.
- **2.5(5)** *Indictment rules applicable.* The information shall be drawn and construed, in matters of substance, as indictments are required to be drawn and construed. The term "indictment" embraces the trial information, and all provisions of law applying to prosecutions on indictments apply also to informations, except where otherwise provided for by statute or in these rules, or when the context requires otherwise.
- **2.5(6)** Investigation by prosecuting attorney. The clerk of the district court, on written application of the prosecuting attorney and the approval of the court, shall issue subpoenas including subpoenas duces tecum for such witnesses as the prosecuting attorney may require in investigating an offense, and in such subpoenas shall direct the appearance of said witnesses before the prosecuting attorney at a specified time and place. Such application and judicial order of approval shall be maintained by the clerk in a confidential file until a charge is filed, in which event disclosure shall be made, unless

the court in an in-camera hearing orders that it be kept confidential. The prosecuting attorney shall have the authority to administer oaths to said witnesses and shall have the services of the clerk of the grand jury in those counties in which such clerk is regularly employed. The rights and responsibilities of such witnesses and any penalties for violations thereof shall otherwise be the same as a witness subpoenaed to the grand jury.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §14, 15; Report 1978, effective July 1, 1979; amendment 1979; amendment 1982; amendment 1983; amended February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; December 23, 2008, effective February 23, 2009; April 2, 2009, effective June 1, 2009]

Rule 2.6 Multiple offenses or defendants; pleading special matters.

2.6(1) *Multiple offenses.* Two or more indictable public offenses which arise from the same transaction or occurrence or from two or more transactions or occurrences constituting parts of a common scheme or plan, when alleged and prosecuted contemporaneously, shall be alleged and prosecuted as separate counts in a single complaint, information or indictment, unless, for good cause shown, the trial court in its discretion determines otherwise. Where a public offense carries with it certain lesser included offenses, the latter should not be charged, and it is sufficient to charge that the accused committed the major offense.

COMMENT: This rule is not intended to eliminate a prosecutor's discretion not to charge certain offenses at the time other offenses growing out of the same transaction or that are part of a common scheme are being charged. Nor is it intended to prevent a later charge from being filed with respect to an offense that has not initially been included. The rule is only intended to require that all contemporaneous criminal filings in which the crimes charged grow out of the same transaction or are part of a common scheme be combined in a single indictment or information. The rule will facilitate uniformity in charging practices to assure the comparability of statistical data derived from case filings and will eliminate unnecessary multiple filings which place an unnecessary administrative burden on the court system.

- **2.6(2)** Prosecution and judgment. Upon prosecution for a public offense, the defendant may be convicted of either the public offense charged or an included offense, but not both.
- **2.6(3)** Duty of court to instruct. In cases where the public offense charged may include some lesser offense it is the duty of the trial court to instruct the jury, not only as to the public offense charged but as to all lesser offenses of which the accused might be found guilty under the indictment and upon the evidence adduced, even though such instructions have not been requested.
 - **2.6(4)** Charging multiple defendants.
- a. Multiple defendants. Two or more defendants may be charged in the same indictment, information, or complaint if they are alleged to have participated in the same act or the same transaction or occurrence out of which the offense or offenses arose. Such defendants may be charged in one or more counts together or separately, and all the defendants need not be charged in each count.
- b. Prosecution and judgment. When an indictment or information jointly charges two or more defendants, those defendants may be tried jointly if in the discretion of the court a joint trial will not result in prejudice to one of the parties. Otherwise, defendants shall be tried separately. When jointly tried, defendants shall be adjudged separately on each count.
- c. When charged or appearing jointly, those defendants may share an interpreter if in the discretion of the court a shared interpreter will not result in prejudice to one of the parties. Otherwise, defendants shall have separate interpreters.
- **2.6(5)** Allegations of prior convictions. If the offense charged is one for which the defendant, if convicted, will be subject by reason of the Code to an increased penalty because of prior convictions, the allegation of such convictions, if any, shall be contained in the indictment. A supplemental indictment shall be prepared for the purpose of trial of the facts of the current offense only, and shall satisfy all pertinent requirements of the Code, except that it shall make no mention, directly or indirectly, of the allegation of the prior convictions, and shall be the only indictment read or otherwise presented to the jury prior to conviction of the current offense. The effect of this subrule shall be to alter the procedure for trying, in one criminal proceeding, the offenses appropriate to its provisions, and not to alter in any manner the basic elements of an offense as provided by law.
- **2.6(6)** Allegations of use of a dangerous weapon. If the offense charged is one for which the defendant, if convicted, will be subject by reason of the Code¹ to a minimum sentence because of use of a dangerous weapon, the allegation of such use, if any, shall be contained in the indictment. If use of a dangerous weapon is alleged as provided by this rule, and if the allegation is supported by the

evidence, the court shall submit to the jury a special interrogatory concerning this matter, as provided in rule 2.22(2).

[Report 1980; amendment 1999; November 9, 2001, effective February 15, 2002]

2.6(7) *Pleading statutes.* A pleading asserting any statute of another state, territory or jurisdiction of the United States, or a right derived therefrom, shall refer to such statute by plain designation and if such reference is made, the court shall judicially notice such statute.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §16; amendment 1980; amendment 1982; amendment 1983; Report January 24, 2000, effective March 1, 2000; November 9, 2001, effective February 15, 2002; December 22, 2003, effective November 1, 2004]

Rule 2.7 Proceedings after indictment or information.

2.7(1) Issuance. Upon the request of the prosecuting attorney the court shall issue a warrant for each defendant named in the indictment or information. The clerk shall issue a summons instead of a warrant upon the request of the prosecuting attorney or by direction of the court. The warrant or summons shall be delivered to a person authorized by law to execute or serve it. If a defendant fails to appear in response to the summons, a warrant shall issue.

2.7(2) Form.

- a. Warrant. The warrant shall be signed by the judge or clerk; it shall describe the offense charged in the indictment; and it shall command that the defendant shall be arrested and brought before the court. The amount of bail or other conditions of release may be fixed by the court and endorsed on the warrant. The warrant shall substantially comply with the form that accompanies these rules. The warrant may be served in any county in the state.
- b. Summons. The summons shall be in the form described in Iowa Code section 804.2, except that it shall be signed by the clerk. A summons to a corporation shall be in the form prescribed in Iowa Code section 807.5.
 - **2.7(3)** Execution, service, and return.
- a. Execution or service. The warrant shall be executed or the summons served as provided in Iowa Code chapter 804. Upon the return of an indictment or upon the filing of trial information against a person confined in any penal institution, the court to which such indictment is returned may enter an order directing that such person be produced before it for trial. The sheriff shall execute such order by serving a copy thereof on the warden having such accused person in custody and thereupon such person shall be delivered to such sheriff and conveyed to the place of trial.
- b. Return. The officer executing a warrant, or the person to whom a summons was delivered for service shall make return thereof to the court.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §17, 18; amendment 1983; Report November 9, 2001, effective February 15, 2002]

Rule 2.8 Arraignment and plea.

2.8(1) Conduct of arraignment. Arraignment shall be conducted as soon as practicable. If the defendant appears for arraignment without counsel, the court must, before proceeding further, inform the defendant of the right to counsel and ask if the defendant desires counsel; and if the defendant does, and is unable by reason of indigency to employ any, the court must appoint defense counsel, who shall have free access to the defendant at all reasonable hours. Arraignment shall consist of reading the indictment to the defendant or stating to the defendant the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before being called upon to plead.

The defendant must be informed that if the name by which the defendant is indicted or informed against is not the defendant's true name, the defendant must then declare what the defendant's true name is, or be proceeded against by the name in the indictment. If the defendant gives no other name or gives the defendant's true name, the defendant is thereafter precluded from objecting to the indictment or information upon the ground of being therein improperly named. If the defendant alleges that another name is the defendant's true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings on the indictment shall be had against the defendant by that name, and the indictment amended accordingly.

Unless otherwise ordered by the court, a defendant represented by an attorney may waive the formal arraignment contemplated by this rule and enter a plea of not guilty by executing and filing a written arraignment that substantially complies with the form that accompanies these rules. The arraignment

form must assure the court that the defendant has been advised of, and is aware of, all the rights and matters specified in this rule and that the full purposes of an arraignment have been satisfied.

2.8(2) Pleas to the indictment or information.

- a. In general. A defendant may plead guilty, not guilty, or former conviction or acquittal. If the defendant fails or refuses to plead at arraignment, or if the court refuses to accept a guilty plea, the court shall enter a plea of not guilty. At any time before judgment, the court may permit a guilty plea to be withdrawn and a not guilty plea substituted.
- b. Pleas of guilty. The court may refuse to accept a plea of guilty, and shall not accept a plea of guilty without first determining that the plea is made voluntarily and intelligently and has a factual basis. Before accepting a plea of guilty, the court must address the defendant personally in open court and inform the defendant of, and determine that the defendant understands, the following:
 - (1) The nature of the charge to which the plea is offered.
- (2) The mandatory minimum punishment, if any, and the maximum possible punishment provided by the statute defining the offense to which the plea is offered.
- (3) That a criminal conviction, deferred judgment, or deferred sentence may affect a defendant's status under federal immigration laws.
- (4) That the defendant has the right to be tried by a jury, and at trial has the right to assistance of counsel, the right to confront and cross-examine witnesses against the defendant, the right not to be compelled to incriminate oneself, and the right to present witnesses in the defendant's own behalf and to have compulsory process in securing their attendance.
- (5) That if the defendant pleads guilty there will not be a further trial of any kind, so that by pleading guilty the defendant waives the right to a trial.

The court may, in its discretion and with the approval of the defendant, waive the above procedures in a plea of guilty to a serious or aggravated misdemeanor. If the above procedures are waived in such a plea, the defendant shall sign a written document that includes a statement that conviction of a crime may result in the defendant's deportation or other adverse immigration consequences if the defendant is not a United States citizen.

- c. Inquiry regarding plea agreement. The court shall also inquire as to whether the defendant's willingness to plead guilty results from prior discussions between the attorney for the state and the defendant or the defendant's attorney. The terms of any plea agreement shall be disclosed of record as provided in rule 2.10(2).
- d. Challenging pleas of guilty. The court shall inform the defendant that any challenges to a plea of guilty based on alleged defects in the plea proceedings must be raised in a motion in arrest of judgment and that failure to so raise such challenges shall preclude the right to assert them on appeal.
- **2.8(3)** Record of proceedings. A verbatim record of the proceedings at which the defendant enters a plea shall be made.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §19 to 23; Report 1978, effective July 1, 1979; amendment 1979; amendment 1982; amendment 1983; 1984 Iowa Acts, ch 1321, §1; Report of April 20, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 22, 2003, effective November 1, 2004]

Rule 2.9 Trial assignments.

- **2.9(1)** *Prompt assignment.* Within seven days after the entry of an oral plea of not guilty or the filing of a written plea of not guilty, the court or its designee shall set the date and time for trial in writing with copies to counsel and to the clerk for the court file.
- **2.9(2)** Firmness of trial date. The date assigned for trial shall be considered firm. Motions for continuance are discouraged. A motion for continuance shall not be granted except upon a showing of good and compelling cause.
- **2.9(3)** *Priority assignment.* Prosecutions for violations of Iowa Code sections 709.2, 709.3, 709.4 and 726.2 shall, as practicable, be given priority on a court's criminal docket. [Report 1982; 1985 Iowa Acts, ch 174, §13; November 9, 2001, effective February 15, 2002]

Rule 2.10 Plea bargaining.

- **2.10(1)** In general. The prosecuting attorney and the attorney for the defendant may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea of guilty to a charged offense or to a lesser or related offense, the prosecuting attorney will make a charging or sentencing concession.
- **2.10(2)** Advising court of agreement. If a plea agreement has been reached by the parties the court shall require the disclosure of the agreement in open court at the time the plea is offered. Thereupon, if

the agreement is conditioned upon concurrence of the court in the charging or sentencing concession made by the prosecuting attorney, the court may accept or reject the agreement, or may defer its decision as to acceptance or rejection until receipt of a presentence report.

- **2.10(3)** Acceptance of plea agreement. When the plea agreement is conditioned upon the court's concurrence, and the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or another disposition more favorable to the defendant than that provided for in the plea agreement. In that event, the court may accept a waiver of the use of the presentence investigation, the right to file a motion in arrest of judgment, and time for entry of judgment, and proceed to judgment.
- **2.10(4)** Rejection of plea agreement. If, at the time the plea of guilty is tendered, the court refuses to be bound by or rejects the plea agreement, the court shall inform the parties of this fact, afford the defendant the opportunity to then withdraw defendant's plea, and advise the defendant that if persistence in a guilty plea continues, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement. If the defendant persists in the guilty plea and it is accepted by the court, the defendant shall not have the right subsequently to withdraw the plea except upon a showing that withdrawal is necessary to correct a manifest injustice.
- **2.10(5)** *Inadmissibility of plea discussions*. If a plea discussion does not result in a plea of guilty, or if a plea of guilty is not accepted or is withdrawn, or if judgment on a plea of guilty is reversed on direct or collateral review, neither the plea discussion nor any resulting agreement, plea, or judgment shall be admissible in any criminal or civil action or administrative proceeding.
- [66GA, ch 1245(2), §1301; 67GA, ch 153, §24; amendment 1979; Court Order April 10, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 2.11 Motions and pleadings.

- **2.11(1)** Pleadings and motions. Pleadings in criminal proceedings shall be the indictment and the information, and the pleas entered pursuant to rule 2.8. Demurrers, motions to quash, and motions to set aside are abolished, and defenses and objections raised before trial which heretofore could have been raised under them shall be raised by motion to dismiss, or a motion to grant appropriate relief, as the case may be.
- **2.11(2)** *Pretrial motions.* Any defense, objection, or request which is capable of determination without the trial of the general issue may be raised before trial by motion. The following must be raised prior to trial:
 - a. Defenses and objections based on defects in the institution of the prosecution.
- b. Defenses and objections based on defects in the indictment or information (other than that it fails to show jurisdiction in the court or to charge an offense which objections shall be noticed by the court at any time during the pendency of the proceeding).
- c. Motions to suppress evidence on the ground that it was illegally obtained including, but not limited to, motions on any ground listed in rule 2.12.
 - d. Requests for discovery.
 - e. Requests for a severance of charges or defendants.
 - f. Motions for change of venue or change of judge.
 - g. Motion in limine.
 - h. Motion for separate interpreters.
- **2.11(3)** Effect of failure to raise defenses or objections. Failure of the defendant to timely raise defenses or objections or to make requests which must be made prior to trial under this rule shall constitute waiver thereof, but the court, for good cause shown, may grant relief from such waiver.
- **2.11(4)** *Time of filing.* Motions hereunder, except motions in limine, shall be filed when the grounds therefor reasonably appear but no later than 40 days after arraignment. Motions in limine shall be filed when grounds therefor reasonably appear but no later than nine days before the trial date. If a written arraignment under rule 2.8(1) is used, the date of arraignment is the date the written arraignment is filed.
- **2.11(5)** Bill of particulars. When an indictment or information charges an offense in accordance with this rule, but fails to specify the particulars of the offense sufficiently to fairly enable the defendant to prepare a defense, the court may, on written motion of the defendant, require the prosecuting attorney to furnish the defendant with a bill of particulars containing such particulars as may be necessary for the preparation of the defense. A motion for a bill of particulars may be made any time prior to or within ten days after arraignment unless the time be extended by the court for good cause shown. A plea of not guilty at arraignment does not waive the right to move for

a bill of particulars if such motion is timely filed within this rule. The prosecuting attorney may furnish a bill of particulars on the prosecuting attorney's own motion, or the court may order a bill of particulars without motion. Supplemental bills of particulars may be likewise ordered by the court or voluntarily furnished, or a new bill may be substituted for a bill already furnished. At the trial the state's evidence shall be confined to the particulars of the bill or bills.

2.11(6) Dismissing indictment or information.

- a. In general. If it appears from the indictment or information and the minutes of evidence that the particulars stated do not constitute the offense charged in the indictment or information, or that the defendant did not commit that offense or that a prosecution for that offense is barred by the statute of limitations, the court may and on motion of the defendant shall dismiss the indictment or information unless the prosecuting attorney shall furnish a bill of particulars which so states the particulars as to cure the defect.
- b. Indictment. A motion to dismiss the indictment may be made on one or more of the following grounds:
- (1) When the minutes of the evidence of witnesses examined before the grand jury are not returned therewith.
 - (2) When it has not been presented and marked "filed" as prescribed.
- (3) When any person other than the grand jurors was present before the grand jury when the question was taken upon the finding of the indictment.
- (4) When any person other than the grand jurors was present before the grand jury during the investigation of the charge, except as required or permitted by law.
- (5) That the grand jury was not selected, drawn, summoned, impaneled, or sworn as prescribed by law.
- *c. Information.* A motion to dismiss the information may be made on one or more of the following grounds:
 - (1) When the minutes of evidence have not been filed with the information.
 - (2) When the information has not been filed in the manner required by law.
 - (3) When the information has not been approved as required under rule 2.5(4).
- d. Time of motion. Entry of a plea of not guilty at arraignment does not waive the right to move to dismiss the indictment or information if such motion is timely filed within this rule.
- **2.11(7)** Effect of determination. If the court grants a motion based on a defect in the institution of the prosecution or in the indictment or information, it may also order that the defendant be held in custody or that the defendant's bail be continued for a specified period pending the filing of a new indictment or information if the same was dismissed by the court, or the amendment of any such pleading if the defect is subject to correction by amendment. The new information or indictment must be filed within 20 days of the dismissal of the original indictment or information. The 90-day period under rule 2.33(2)(b) for bringing a defendant to trial shall commence anew with the filing of the new indictment or information.
- **2.11(8)** Ruling on motion. A pretrial motion shall be determined without unreasonable delay. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.
 - **2.11(9)** *Motion for change of judge.*
- a. Form of motion. A motion for a change of judge shall be verified on information and belief by the movant.
- b. Change of judge. If the court is satisfied from a motion for a change of judge and the evidence introduced in support of the motion that prejudice exists on the part of the judge, the chief judge shall name a new presiding judge. The location of the trial need not be changed.
 - **2.11(10)** *Motion for change of venue.*
- a. Form of motion. A motion for a change of venue shall be verified on information and belief by the movant.
- b. Change of venue ordered. If the court is satisfied from a motion for a change of venue and the evidence introduced in support of the motion that such degree of prejudice exists in the county in which the trial is to be held that there is a substantial likelihood a fair and impartial trial cannot be preserved with a jury selected from that county, the court either shall order that the action be transferred to another county in which the offensive condition does not exist, as provided in rule 2.11(10)(c), or shall order that the trial jury be impaneled in and transferred from a county in which the offensive condition does not exist, as provided in rule 2.11(10)(d).

- c. Transfer of action. When a transfer of the action to another county is ordered under rule 2.11(10)(b) the clerk shall transmit to the clerk of the court of the county to which the proceeding is transferred all papers in the proceeding or duplicates of them and any bail taken, and the prosecution shall continue in that county. If the defendant is in custody, the court may order the defendant to be delivered to the sheriff of the receiving county, and upon receipt of a certified copy of the order, the sheriff shall receive and detain the defendant. All expenses attendant upon the change of venue and trial, including the costs of keeping the defendant, which shall be allowed by the court trying the case, may be recovered by the receiving county from the transferring county. The prosecuting attorney in the transferring county is responsible for prosecution in the receiving county.
 - d. Transfer of jury.
- (1) This paragraph applies if the court orders under rule 2.11(10)(b) that a jury be transferred from another county.
- (2) Upon issuance of the order under rule 2.11(10)(b), the clerk of court shall immediately notify the chief judge of the judicial district that includes the county from which the trial jury is to be obtained. The chief judge shall schedule a day for the commencement of proceedings under rule 2.11(10)(d)(5) and shall cause notice of the proceedings to be delivered to the trial judge, to the attorneys for the proceedings. The clerk of the trial court shall deliver to the trial judge all documents that must be present in court at the time trial is commenced under rule 2.11(10)(d)(5).
- (3) The trial judge shall issue orders as necessary to assure the presence of the defendant during proceedings under rule 2.11(10)(d)(5). If the defendant is in custody, the sheriff of the trial county is responsible for transporting the defendant to and from the place of jury selection. The sheriff of the county from which the jury is to be obtained shall receive and maintain temporary custody of the defendant as ordered by the trial court.
- (4) The trial court shall retain jurisdiction of the action, and all proceedings and records shall be maintained in the ordinary manner, except that the trial record shall contain pertinent information respecting the change of location for the proceedings under rule 2.11(10)(d)(5) and the reason for the change.
- (5) The commencement of the trial and the jury selection process shall take place in the county in which the jury is to be impaneled. The clerk of court of that county shall perform all of the trial duties of the clerk of court during proceedings that take place in that county. Once the jury has been sworn, the court shall adjourn for the period of time necessary to permit the transportation of the jury to the trial county. Upon reconvening, the trial shall continue in the usual manner.
- (6) The court may issue orders respecting segregation of the jury while traveling and during the trial as necessary to preserve the integrity of the trial.
- (7) The trial county shall provide transportation for the jurors to and from the place of trial, and shall provide the proper officers to take custody of the jurors after they are sworn and until they are discharged, as ordered by the trial court.
- (8) The trial county shall pay all expenses incurred in connection with the jury, including but not necessarily limited to juror fees, the costs of transporting, housing, and feeding the jury, and the costs and expenses of officers assigned to take custody of the jury. The trial county shall pay the costs of transporting the defendant to and from the place of jury selection, if any. The county from which the jury is obtained may recover from the trial county any costs allowed by the trial court for maintaining custody of the defendant at the time of trial commencement and jury selection.
- (9) Members of the trial jury and alternates shall each be paid the usual juror fee for service under this paragraph, but the fee shall be due for each calendar day they are under the direction of the court or its officers, commencing with the day they are sworn and ending with the day they are returned to the county of their residence after being discharged.

 See also Iowa Ct. R. 22.9

2.11(11) *Notices of defendant.*

a. Alibi. A defendant who intends to offer evidence of an alibi defense shall, within the time provided for the making of pretrial motions or at such later time as the court shall direct, file written notice of such intention. The notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names of the witnesses upon whom the defendant intends to rely to establish such alibi. In the event that a defendant shall file such notice the prosecuting attorney shall file written notice of the names of the witnesses the state proposes to offer in rebuttal to discredit the defendant's alibi. Such notice shall be filed within ten days after filing of defendant's witness list, or within such other time as the court may direct. In separate notices made

within the times provided for above, the parties shall provide each other with the addresses of such witnesses. These notices shall not be made part of the record and shall not be filed with the court.

- b. Insanity and diminished responsibility.
- (1) Defense of insanity and diminished responsibility. If a defendant intends to rely upon the defense of insanity or diminished responsibility at the time of the alleged crime, the defendant shall, within the time provided for the filing of pretrial motions, file written notice of such intention. The court may for good cause shown, allow late filing of the notice or grant additional time to the parties to prepare for trial or make other order as appropriate.

When the defendant has asserted a defense of insanity the burden of proof is on the defendant to prove insanity by a preponderance of the evidence as provided for in Iowa Code section 701.4.

- (2) State's right to expert examination. When a defendant has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial the defendant shall, within the time provided for the filing of pretrial motions, file written notice of the name of each such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the defendant by a state-named expert or experts whose names shall be disclosed to the defendant prior to examination.
- c. Intoxication, entrapment, and self-defense. If defendant intends to rely upon the defense of intoxication by drugs or alcohol, entrapment, or self-defense, the defendant shall, within the time for filing pretrial motions, file written notice of such intention. The court may for good cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.
- d. Failure to comply. If either party fails to abide by the time periods heretofore described, such party may not offer evidence on the issue of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a defendant to give evidence of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense in the defendant's own testimony is not limited by this rule.

2.11(12) State's duty to disclose witnesses.

- a. Duty to disclose addresses of law enforcement, governmental, and licensed professional witnesses. In the minutes of testimony, the state shall provide the defense with a written list of the known employment addresses of the following persons who are expected to testify in their official or professional capacity during the state's case in chief: sworn peace officers; federal, state, local and municipal employees and elected officials; and licensed professionals. If the state contends disclosure of an address would result in substantial risk to any person of physical harm, intimidation, bribery, economic reprisal, coercion, or undue invasion of privacy, the state may withhold disclosure and shall inform the defense of the basis of such nondisclosure.
- b. Duty to disclose addresses of other witnesses. In the minutes of testimony, the state shall provide the defense with a written list of the known residential and employment addresses of the other witnesses, who are expected to testify during the state's case in chief. If the state contends disclosure of an address would result in substantial risk to any person of physical harm, intimidation, bribery, economic reprisal, coercion, or undue invasion of privacy, the state may withhold disclosure and shall inform the defendant's attorney of the basis of such nondisclosure.
- c. Disclosure of address withheld by the state. If the state withholds disclosure of an address, or the defendant requests the residential or alternative address of a witness, the defendant or the defendant's attorney may request in writing the disclosure of addresses for investigative purposes or to ensure service of a subpoena. Within five days of receipt of the request, the state shall confer with the defendant or the defendant's attorney and provide such information to the defendant or the defendant's attorney or seek a protective order from the court. The court may deny, defer, or otherwise restrict disclosure to the defendant or the defendant's attorney if the state proves such disclosure would result in substantial risk to any person of physical harm, intimidation, bribery, economic reprisal, coercion, or undue invasion of privacy, which outweighs any usefulness of the disclosure to the defendant or the defendant's attorney. In establishing the usefulness of the disclosure to the defendant or the defendant's attorney, the defendant or the defendant's attorney may provide the court with a written statement to be reviewed by the court in camera. Any such written statement shall not be served on the state, but shall be made a part of the file, placed under seal, and not subject to disclosure absent further order of a court. If the court denies the defendant or the defendant's attorney's request, the court may enter an order allowing the defendant or the defendant's attorney an opportunity to meet with any

witness who is willing to talk to the defendant in an environment that provides for the protection of the witness. The court shall also enter an order facilitating the defendant or the defendant's attorney's ability to serve a subpoena on the witness for deposition or trial.

- d. Further disclosure by the defendant or the defendant's attorney. Any address disclosed by the state in the minutes of testimony may be disclosed by the attorney to the defendant, persons employed by the attorney, persons appointed by the court to assist in the preparation of a defendant's case, or any other person if the disclosure is required for preparation of the defendant's case. An attorney shall inform persons provided this information that further dissemination of the information, except as provided by court order, is prohibited. A willful violation of this rule by the defendant, an attorney, persons employed by an attorney, persons appointed by the court, or other persons authorized by the court to receive the address is subject to punishment by contempt.
- e. Continuing duty to update. The state has a continuing duty to inform the opposing party of any change in the last known residential address or employment address of any witness that the state intends to call during its case in chief as soon as practicable after the state obtains that information.
- f. Interference with witnesses. The defendant, attorneys representing the defendant or the state, and their representatives and agents shall not instruct or advise persons, except the defendant, having relevant information that he or she should refrain from discussing the case with opposing counsel or an unrepresented defendant or from showing opposing counsel or an unrepresented defendant any relevant evidence. The defendant, attorneys representing the defendant or the state, and their representatives and agents shall not otherwise impede investigation of the case by opposing counsel or an unrepresented defendant. See Iowa Court Rule 32:3.4(a) and (f).
- g. Service of subpoenas. The most recent address provided by the state for a witness shall be the authorized address where the witness can be served, except when the defendant or the defendant's attorney has reason to believe that such address is not accurate for that witness at the time of service, or the person in fact no longer works or resides at that address.
- [66GA, ch 1245(2), §1301; 67GA, ch 153, §25 to 36; amendment 1980; amendment 1981; 82 Acts, ch 1021, §1 to 3, effective July 1, 1983; amendment 1983; amendment 1984; 1984 Iowa Acts, ch 1320, §2; Report January 31, 1989, effective May 1, 1989; Report September 22, 1999; February 8, 2000; November 9, 2001, effective February 15, 2002; December 22, 2003, effective November 1, 2004; April 2, 2009, effective June 1, 2009; October 28, 2009, effective December 28, 2009]

Rule 2.12 Suppression of evidence obtained by an unlawful search and seizure.

- **2.12(1)** *Motion to suppress evidence.* A person aggrieved by an unlawful search and seizure may move to suppress for use as evidence anything so obtained on any of the following grounds:
 - a. The property was illegally seized without a warrant.
 - b. The warrant is insufficient on its face.
 - c. The property seized is not that described in the warrant.
- d. There was not probable cause for believing the existence of the grounds on which the warrant was issued.
- e. The warrant was illegally executed. The court shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored to its owner or legal custodian unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial.

The motion shall be made as provided in rules 2.11(2) to 2.11(4).

2.12(2) Discretionary review of interlocutory order. Any party aggrieved by an interlocutory order affecting the validity of a search warrant or the suppression of evidence, except in simple misdemeanors, may apply for discretionary review of the order in advance of trial.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §37; amendment 1979; amendment 1980; Report November 9, 2001, effective February 15, 2002]

See also rule 2.70

Rule 2.13 Depositions.

2.13(1) By defendant. A defendant in a criminal case may depose all witnesses listed by the state on the indictment or information or notice of additional witnesses in the same manner and with like effect and with the same limitations as in civil actions except as otherwise provided by statute and these rules. Depositions before indictment or trial information is filed may only be taken with leave of court.

When the state receives notice that a deposition will be taken of a witness listed on the indictment,

information or notice of additional witnesses, the state may object that the witness (a) is a foundation witness or (b) has been adequately examined on preliminary hearing. The court shall immediately determine whether discovery of the witness is necessary in the interest of justice and shall allow or disallow the deposition.

2.13(2) *Special circumstances.*

- a. Whenever the interests of justice and the special circumstances of a case make necessary the taking of the testimony of a prospective witness not included in rule 2.13(1) or 2.13(3), for use at trial, the court may upon motion of a party and notice to the other parties order that the testimony of the witness be taken by deposition and that any designated book, paper, document, record, recording, or other material, not privileged, be produced at the same time and place. For purposes of this subsection, special circumstances shall be deemed to exist and the court shall order that depositions be taken only upon a showing of necessity arising from either of the following:
- (1) The information sought by way of deposition cannot adequately be obtained by a bill of particulars or voluntary statements.
 - (2) Other just cause necessitating the taking of the deposition.
- b. The court may upon motion of a party and notice to the other parties order that the testimony of a victim or witness who is a child, as defined in Iowa Code section 702.5, be taken by deposition for use at trial. Only the judge, parties, counsel, persons necessary to record the deposition, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the child may be present in the room with the child during the child's deposition.

The court may require a party be confined to an adjacent room or behind a screen or mirror that permits the party to see and hear the child during the child's deposition, but does not allow the child to see or hear the party. However, if a party is so confined, the court shall take measures to ensure that the party and counsel can confer during the deposition and shall inform the child that the party can see and hear the child during deposition.

- **2.13(3)** By state. At or before the time of the taking of a deposition by a defendant under rule 2.13(1) or 2.13(2), the defendant shall file a written list of the names and addresses of all witnesses expected to be called for the defense (except the defendant and surrebuttal witnesses), and the defendant shall have a continuing duty before and throughout trial promptly to disclose additional defense witnesses. Such witnesses shall be subject to being deposed by the state.
- **2.13(4)** Failure to comply. If the defendant has taken depositions under rule 2.13(1) and does not disclose to the prosecuting attorney all of the defense witnesses (except the defendant and surrebuttal witnesses) at least nine days before trial, the court may order the defendant to permit the discovery of such witnesses, grant a continuance, or enter such other order as it deems just under the circumstances. It may, if it finds that no less severe remedy is adequate to protect the state from undue prejudice, order the exclusion of the testimony of any such witnesses.
- **2.13(5)** Perpetuating testimony. A person expecting to be a party to a criminal prosecution may perpetuate testimony in the person's favor in the same manner and with like effect as may be done in expectation of a civil action.
- **2.13(6)** *Time of taking.* Depositions shall be taken within 30 days after arraignment unless the period for taking is extended by the court for good cause shown. [66GA, ch 1245(2), §1301; 67GA, ch 153, §38; amendment 1980; amendment 1981; amendment 1982; 1985 Iowa Acts, ch 174, §14; Report November 9, 2001, effective February 15, 2002]

Rule 2.14 Discovery.

- **2.14(1)** Witnesses examined by the prosecuting attorney. When a witness subpoenaed by the prosecuting attorney pursuant to rule 2.5 is summoned by the prosecuting attorney after complaint, indictment or information, the defendant shall have a right to be present and have the opportunity to cross-examine any witnesses whose appearance before the county attorney is required by this rule.
 - **2.14(2)** Disclosure of evidence by the state upon defense motion or request.
 - a. Disclosure required upon request.
- (1) Upon a filed pretrial request by the defendant the attorney for the state shall permit the defendant to inspect and copy or photograph: Any relevant written or recorded statements made by the defendant or copies thereof, within the possession, custody or control of the state, unless same shall have been included with the minutes of evidence accompanying the indictment or information; the substance of any oral statement made by the defendant which the state intends to offer in evidence at the trial, including any voice recording of same; and the transcript or record of testimony of the defendant before a grand jury, whether or not the state intends to offer same in evidence upon trial.

- (2) When two or more defendants are jointly charged, upon the filed request of any defendant the attorney for the state shall permit the defendant to inspect and copy or photograph any written or recorded statement of a codefendant which the state intends to offer in evidence at the trial, and the substance of any oral statement which the state intends to offer in evidence at the trial made by a codefendant whether before or after arrest in response to interrogation by any person known to the codefendant to be a state agent.
- (3) Upon the filed request of the defendant, the state shall furnish to defendant such copy of the defendant's prior criminal record, if any, as is then available to the state.
 - b. Discretionary discovery.
- (1) Upon motion of the defendant the court may order the attorney for the state to permit the defendant to inspect, and where appropriate, to subject to scientific tests, items seized by the state in connection with the alleged crime. The court may further allow the defendant to inspect and copy books, papers, documents, statements, photographs or tangible objects which are within the possession, custody or control of the state, and which are material to the preparation of the defense, or are intended for use by the state as evidence at the trial, or were obtained from or belong to the defendant.
- (2) Upon motion of a defendant the court may order the attorney for the state to permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody or control of the state.
 - **2.14(3)** Disclosure of evidence by the defendant.
- a. Documents and tangible objects. If the court grants the relief sought by the defendant under rule 2.14(2)(b)(1), the court may, upon motion of the state, order the defendant to permit the state to inspect and copy books, papers, documents, statements other than those of the accused, photographs or tangible objects which are not privileged and are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at trial.
- b. Reports of examinations and tests. If the court grants relief sought by the defendant under rule 2.14(2)(b)(2), the court may, upon motion of the state, order the defendant to permit the state to inspect and copy the results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when such results or reports relate to the witness's testimony.
- c. Time of motion. A motion for the relief provided under rule 2.14(3) shall be made, if at all, within five days after any order granting similar relief to the defendant.
- **2.14(4)** Failure to employ evidence. When evidence intended for use and furnished under this rule is not actually employed at the trial, that fact shall not be commented upon at trial.
- **2.14(5)** Continuing duty to disclose. If, subsequent to compliance with an order issued pursuant to this rule, either party discovers additional evidence, or decides to use evidence which is additional to that originally intended for use, and such additional evidence is subject to discovery under this rule, the party shall promptly file written notice of the existence of the additional evidence to allow the other party to make an appropriate motion for additional discovery.
 - **2.14(6)** Regulation of discovery.
- a. Protective orders. Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. In addition to any other grounds for issuing an order pursuant to this paragraph, the court may limit or deny discovery or inspection, or limit the number of depositions to be taken if the court determines that any of the following exist:
- (1) That granting the motion will unfairly prejudice the nonmoving party and will deny that party a fair trial.
- (2) That the motion is intended only as a fishing expedition and that granting the motion will unduly delay the trial and will result in unjustified expense.
 - (3) That the granting of the motion will result in the disclosure of privileged information.
- b. Time, place and manner of discovery and inspection. An order of the court granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

- c. Failure to comply. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may upon timely application order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing any evidence not disclosed, or it may enter such other order as it deems just under the circumstances.
- d. Secrecy of grand jury. Except where specific provisions require otherwise, grand jury proceedings remain confidential. However, any member of the grand jury and the clerk thereof, and any officer of the court, may be required by the court or any legislative committee duly authorized to inquire into the conduct or acts of any state officer which might be the basis for impeachment proceedings, to disclose the testimony of a witness examined before the grand jury for the purpose of ascertaining whether it is consistent with that given by the witness before the court or legislative committee, or to disclose the same upon a charge of perjury against the witness, or when in the opinion of the court or legislative committee such disclosure is necessary in the administration of justice.

No grand juror shall be questioned for anything the juror may say or any vote the juror may give in the grand jury relative to a matter legally pending before it, except for perjury of which the juror may have been guilty in making an accusation, or in giving testimony to any fellow jurors. [66GA, ch 1245(2), §1301; 67GA, ch 153, §39, 40, 41; amendment 1981; Report November 9, 2001, effective February 15, 2002]

Rule 2.15 Subpoenas.

- **2.15(1)** For witnesses. A magistrate in a criminal action before the magistrate, and the clerk of court in any criminal action pending therein, shall issue blank subpoenas for witnesses, signed by the magistrate or clerk, with the seal of the court if by the clerk, and deliver as many of them as requested to the defendant or the defendant's attorney or the attorney for the state.
- **2.15(2)** For production of documents—duces tecum. A subpoena may contain a clause directing the witness to bring with the witness any book, writing, or other thing under the witness's control which the witness is bound by law to produce as evidence. The court on motion may dismiss or modify the subpoena if compliance would be unreasonable or oppressive.
- **2.15(3)** Service. A subpoena may be served in any part of the state. It may be served by any adult person. A peace officer making service in a criminal case must serve without delay in the peace officer's county or city any subpoena delivered to the peace officer for service and make a written return stating the time, place, and manner of service. When service is made by a person other than a peace officer, proof thereof shall be by affidavit. Service upon an adult witness is made by showing the original to the witness and delivering a copy to the witness. Service upon a minor witness shall be as provided for personal service of an original notice in a civil case pursuant to Iowa R. Civ. P. 1.305(2).
- **2.15(4)** Depositions. An order to take a deposition authorizes the clerk of the court for the county in which the deposition is to be taken to issue subpoenas for the persons named or described therein.
- **2.15(5)** Sanctions for refusing to appear or testify. Disobedience to a subpoena, or refusal to be sworn or to answer as a witness, may be punished by the court or magistrate as a contempt. The attendance of a witness who so fails to appear may be coerced by warrant.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §42; Report April 20, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002]

Rule 2.16 Pretrial conference.

- **2.16(1)** When held. Where a plea of not guilty to an indictment or trial information is entered on behalf of the defendant, the court may order all parties to the action to appear before it for a conference to consider such matters as will promote a fair and expeditious trial.
- **2.16(2)** Discussions and record. The conference may explore such matters as amendment of pleadings, agreement to the introduction into evidence of photographs or other exhibits to which there is no objection, submission of requested jury instructions, and any other matters appropriate for discussion which may aid and expedite trial of the case.
- **2.16(3)** Stipulations and orders. The court shall make an order reciting any action taken at the conference which will control the subsequent course of the action relative to matters it includes, unless modified to prevent manifest injustice. A stipulation entered into at such conference shall bind the

defendant at trial, on appeal, or in a post-conviction proceeding only if signed by both the defendant and the defendant's attorney and filed with the clerk.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §43; Report November 9, 2001, effective February 15, 2002]

Rule 2.17 Trial by jury or court.

- **2.17(1)** Trial by jury. Cases required to be tried by jury shall be so tried unless the defendant voluntarily and intelligently waives a jury trial in writing and on the record within 30 days after arraignment, or if no waiver is made within 30 days after arraignment the defendant may waive within ten days after the completion of discovery, but not later than ten days prior to the date set for trial, as provided in these rules for good cause shown, and after such times only with the consent of the prosecuting attorney. The defendant may not withdraw a voluntary and knowing waiver of trial by jury as a matter of right, but the court, in its discretion, may permit withdrawal of the waiver prior to the commencement of the trial.
- **2.17(2)** Findings. In a case tried without a jury the court shall find the facts specially and on the record, separately stating its conclusions of law and rendering an appropriate verdict. [66GA, ch 1245(2), §1301; 67GA, ch 153, §44; 69GA, ch 206, §16; amendment 1983; 1986 Iowa Acts, ch 1106, §1; Report November 9, 2001, effective February 15, 2002]

Rule 2.18 Juries.

- **2.18(1)** Selection. At each jury trial the clerk shall select a number of prospective jurors equal to twelve plus the prescribed number of strikes, by drawing ballots from a box without seeing the names. The clerk shall list all jurors so drawn. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.
- **2.18(2)** Depletion of panel. If for any reason the regular panel is exhausted without a jury being selected, it shall be completed in the manner provided in the statutes pertaining to selecting, drawing, and summoning juries.
- **2.18(3)** Challenges to the panel. Before any juror is sworn for examination, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the facts specified. If the court sustains the challenge it shall discharge the jury, no member of which can serve at the trial.
- **2.18(4)** Challenges to individual juror. A challenge to an individual juror for cause is an objection which may be taken orally.
- **2.18(5)** Challenges for cause. A challenge for cause may be made by the state or defendant, and must distinctly specify the facts constituting the causes thereof. It may be made for any of the following causes:
 - a. A previous conviction of the juror of a felony.
 - b. A want of any of the qualifications prescribed by statute to render a person a competent juror.
- c. Unsoundness of mind, or such defects in the faculties of the mind or the organs of the body as render the juror incapable of performing the duties of a juror.
- d. Affinity or consanguinity, within the fourth degree, to the person alleged to be injured by the offense charged, or on whose complaint, or at whose instance, the prosecution was instituted, or to the defendant, to be computed according to the rule of the civil law.
- e. Standing in the relation of guardian and ward, attorney and client, employer and employee, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint, or at whose instance, the prosecution was instituted, or in the person's employ on wages.
- f. Being a party adverse to the defendant in a civil action, or having been the prosecutor against or accused by the defendant in a criminal prosecution.
 - g. Having served on the grand jury which found the indictment.
- h. Having served on a trial jury which has tried another defendant for the offense charged in the indictment.
- *i.* Having been on a jury formerly sworn to try the same indictment and whose verdict was set aside, or which was discharged without a verdict after the cause was submitted to it.

- *j*. Having served as a juror, in a civil action brought against the defendant, for the act charged as an offense.
- k. Having formed or expressed such an opinion as to the guilt or innocence of the defendant as would prevent the juror from rendering a true verdict upon the evidence submitted on the trial.
 - *l.* Because of the juror providing bail for any defendant in the indictment.
- m. Because the juror is a defendant in a similar indictment, or complainant against the defendant or any other person indicted for a similar offense.
- n. Because the juror is, or within a year preceding has been, engaged or interested in carrying on any business, calling, or employment, the carrying on of which is a violation of law, where the defendant is indicted for a like offense.
- o. Because the juror has been a witness, either for or against the defendant, on the preliminary hearing or before the grand jury.
- p. Having requested, directly or indirectly, that the juror's name be returned as a juror for the regular biennial period.
- **2.18(6)** Examination of jurors. Upon examination the jurors shall be sworn. If an individual juror is challenged, the juror may be examined as a witness to prove or disprove the challenge, and must answer every question pertinent to the inquiry thereon, but the juror's answer shall not afterwards be testimony against the juror. Other witnesses may also be examined on either side. The rules of evidence applicable to the trial of other issues shall govern the admission or exclusion of testimony on the trial of the challenge, and the court shall determine the law and the facts, and must allow or disallow the challenge.
- **2.18(7)** Order of challenges for cause. The state shall first complete its challenges for cause, and the defendant afterward, until a number of jurors equal to twelve plus the prescribed number of strikes has been obtained against whom no cause of challenge has been found to exist.
- **2.18(8)** Vacancy filled. After each challenge for cause which is sustained, another juror shall be called and examined before a further challenge is made; and any new juror thus called may be challenged for cause and shall be subject to being struck from the list as other jurors.
- **2.18(9)** *Strikes—number.* If the offense charged is a class "A" felony, the state and defendant shall each strike ten prospective jurors.

If the offense charged is a felony other than a class "A" felony, the state and the defendant shall each strike six prospective jurors.

- If the offense charged is a misdemeanor, the state and the defendant shall each strike four prospective jurors.
- **2.18(10)** *Multiple charges*. If the indictment charges different offenses in different counts, the state and the defendant shall each have that number of strikes which they each would have if the highest grade of offense charged in the indictment were the only charge.
- **2.18(11)** *Multiple defendants.* In a case where two or more defendants are tried, each defendant shall have one-half the number of strikes allowed in rule 2.18(9). The state shall have the number of strikes equal to the total number of strikes allotted to all defendants. Subject to the court's approval, the parties may agree to a reduced number of strikes.
- **2.18(12)** Clerk to prepare list—procedure. The clerk shall prepare a list of jurors called; and, after all challenges for cause are exhausted or waived, each side, commencing with the state, shall alternately exercise its strikes by indicating the strike upon the list opposite the name of the juror.
- **2.18(13)** Reading of names. After all challenges have thus been exercised or waived and the required number of jurors has been struck from the list the clerk shall read the names of the twelve jurors remaining who shall constitute the jury selected.
 - **2.18(14)** Jurors sworn. When twelve jurors are accepted they shall be sworn to try the issues.
- **2.18(15)** Selecting alternate jurors. The court may require selection of one or more alternate jurors whose qualifications, powers, functions, facilities, and privileges will be the same as principal jurors.
- a. Prior to commencing jury selection, the court must determine on the record, with input of counsel, how many alternate jurors will be selected, the method used to identify the alternate jurors, and whether the identity of the alternate jurors should be revealed prior to commencement of trial or delayed until commencement of jury deliberations. The clerk will call for examination the number of prospective jurors equal to the sum of the following:
 - (1) The number of prospective jurors to be selected pursuant to rule 2.18(1).

- (2) The number of additional prospective jurors necessary to allow for the number of alternates to be selected and one additional strike for each party. For example, in the case of a single defendant, if one alternate is to be selected, three additional prospective jurors will be called to allow for one additional strike for each party; if two alternates are to be selected, four additional prospective jurors will be called; if three alternates are to be selected, five additional prospective jurors will be called; and so on.
- b. Jury examination will proceed contemporaneously for both principal and alternate jurors. After the parties have passed the panel for cause and exercised all strikes, both principal and alternate jurors will be sworn to hear the case and sit at the trial. The identity of the alternate jurors will be revealed either when the jury is sworn to hear the case or before the jury retires to deliberate.
- c. If a jury is being selected for trial of an action outside of the county pursuant to rule 2.11(10)(d), the court will require selection of two alternate jurors to be sworn with the principal jurors to try the case and sit at the trial. The alternate jurors will be used or discharged in accordance with rule 2.18(15). The court may require selection of more than two alternate jurors.
- **2.18(16)** Returning ballots to box. When a jury is sworn, the ballots containing the names of those absent or excused from the trial shall be immediately returned to the box. Those containing the names of jurors sworn shall be set aside, and returned to the box immediately on the discharge of that jury. [66GA, ch 1245(2), §1301; 67GA, ch 153, §45 to 49; Report 1978, effective July 1, 1979; amendment 1980; amendment 1982; 82 Acts, ch 1021, §4, effective July 1, 1983; amendment 1983; 1986 Iowa Acts, ch 1108, §56; November 9, 2001, effective February 15, 2002; Court Order June 30, 2016, temporarily effective June 30, 2016, permanently effective August 30, 2016]

Rule 2.19 Trial.

- **2.19(1)** Order of trial and arguments.
- a. Order of trial. The jury having been impaneled and sworn, the trial must proceed in the
- (1) Reading indictment and plea. The clerk or prosecuting attorney must read the accusation from the indictment or the supplemental indictment, as appropriate, and state the defendant's plea to the
- (2) Statement of state's evidence. The prosecuting attorney may briefly state the evidence by which the prosecuting attorney expects to sustain the indictment.
- (3) Statement of defendant's evidence. The attorney for the defendant may then briefly state the defense, or the attorney for the defendant may waive the making of such statement; the attorney for the defendant may reserve the right to make such statement to a time immediately prior to presentation of defendant's evidence.
 - (4) Offer of state's evidence. The state may then offer the evidence in support of the indictment.
- (5) Offer of defendant's evidence. The defendant or the defendant's counsel may then offer evidence in support of the defense.
- (6) Rebutting or additional evidence. The parties may then, respectively, offer rebutting evidence only, unless the court, for good reasons, in furtherance of justice, permits them to offer evidence upon their original case.
- b. Order of argument. After the closing of evidence the prosecution shall open the argument. The defense shall be permitted to reply. The prosecution shall then be permitted to reply in rebuttal. Length of argument and the number of counsel arguing shall be as limited by the court. When two or more defendants are on trial for the same offense, they may be heard by one counsel each.
- **2.19(2)** Advance notice of evidence supporting indictments or informations. The prosecuting attorney, in offering trial evidence in support of an indictment, shall not be permitted to introduce any witness the minutes of whose testimony was not presented with the indictment to the court; in the case of informations, a witness may testify in support thereof if the witness's identity and a minute of the witness's evidence has been given pursuant to these rules. However, these provisions are subject to the following exception: Additional witnesses in support of the indictment or trial information may be presented by the prosecuting attorney if the prosecuting attorney has given the defendant's attorney of record, or the defendant if the defendant has no attorney, a minute of such witness's evidence, as defined in rule 2.4(6)(a) or rule 2.5(3), at least ten days before the commencement of the trial.
- **2.19(3)** Failure to give notice. If the prosecuting attorney does not give notice to the defendant of all prosecution witnesses (except rebuttal witnesses) at least ten days before trial, the court may order the state to permit the discovery of such witnesses, grant a continuance, or enter such other order as it

deems just under the circumstances. It may, if it finds that no less severe remedy is adequate to protect the defendant from undue prejudice, order the exclusion of the testimony of any such witnesses.

- **2.19(4)** Reporting of trial. Unless otherwise provided in these rules, all the provisions relating to mode and manner of the trial of civil actions, report thereof, translation of the shorthand reporter's notes, the making of such reports and translation of the record, and in all other respects, apply to the trial of criminal actions. Opening statements and closing arguments shall be reported. The reporting of opening statements and closing arguments shall not be waived as provided in Iowa R. Civ. P. 1.903(2). [Transcript fee, see Iowa Code section 602.3202]
 - **2.19(5)** The jury upon trial.
 - a. View.
- (1) When taken. Upon motion made, when the court is of the opinion that it is proper, the jury may view the place where the offense is charged to have been committed, or where any other material fact occurred. The court may order the jury to be conducted in a body, in the custody of proper officers, to the place, which shall be shown them by a person appointed by the court for that purpose.
- (2) Attending officers. The officers must be sworn to suffer no person to speak to or communicate with the jury on any subject connected with the trial, or to do so themselves, except the person appointed by the court for that purpose, and then only to show the place to be viewed, and to return them into court without unreasonable delay at a specified time.
- b. Juror may not be witness. A member of the jury may not testify as a witness in the trial of the case in which the juror is sitting. If the juror is called to testify, the opposing party shall be afforded an opportunity to object out of the presence of the jury.
- c. Separation of jurors. The jurors shall be kept together unless the court permits the jurors to separate as in civil cases; and the officers having charge of the jury shall be sworn to suffer no person to communicate with them except as provided for in civil cases.
- d. Admonition to jurors. The jury, whether permitted to separate or kept together in charge of sworn officers, must be admonished by the court that it is their duty not to permit any person to speak to or communicate with them on any subject connected with the trial, and that any and all attempts to do so should be immediately reported by them to the court, and that they should not converse among themselves on any subject connected with the trial, or form or express an opinion thereon, until the cause is finally submitted to them, that they should not make an unauthorized visit to the scene of the alleged offense, and that they should refrain from conducting any unauthorized experiments or tests relating to the alleged offense. Said admonition must be given or referred to by the court at each adjournment during the progress of the trial previous to the final submission of the cause to the jury.
- e. Notes taken by jurors during trial; exhibits used during deliberations. Notes may be taken by jurors during the testimony of witnesses. All jurors shall have an equal opportunity to take notes. The court shall instruct the jury to mutilate and destroy any notes taken during the trial at the completion of the jury's deliberations. Upon retiring for deliberations the jury may take with it all papers and exhibits which have been received in evidence, and the court's instructions; provided, however, the jury shall not take with it depositions, nor shall it take original public records and private documents as ought not, in the opinion of the court, to be taken from the person possessing them.
- f. Instructions. The rules relating to the instruction of juries in civil cases shall apply to the trial of criminal cases.
- g. Report for information. After the jury has retired for deliberation, if there be any disagreement as to any part of the testimony, or if it desires to be informed on any point of law arising in the cause, it must require the officer to conduct it into court, and, upon its being brought in, the information required may be given, in the discretion of the trial court. Where further information as to the testimony which was given at trial is taken by the jury, this shall be accomplished by the court reporter or other appropriate official reading from the reporter's notes. Where the court gives the jury additional instructions, this shall appear of record. The procedures described shall take place in the presence of defendant and counsel for the defense and prosecution, unless such presence is waived.
- h. Jury deliberations. On final submission, the jury shall retire for deliberation, and be kept together in charge of an officer until they agree on a verdict or are discharged by the court, unless the court permits the jurors to separate temporarily overnight, on weekends or holidays, or in emergencies. The officer in charge must be sworn to not suffer any communication to be made to them during their deliberations, nor to make any to them, except to ask them if they have agreed on a verdict, unless by order of court; nor to communicate to any person the state of their deliberations, or the verdict agreed upon before it is rendered.

- **2.19(6)** Retrial of defendants when original jury is discharged, and in other cases.
- a. Illness of jurors and other cases. The court may discharge a jury because of any accident or calamity requiring it, or by consent of all parties, or when on an amendment a continuance is ordered, or if they have deliberated until it satisfactorily appears that they cannot agree. The case shall be retried within 90 days unless good cause for further delay is shown.
- b. Lack of jurisdiction; no offense charged. The court may also discharge the jury when it appears that it has no jurisdiction of the offense, or that the facts as charged in the indictment do not constitute an offense punishable by law.
- c. Crime committed in another state. If the jury be discharged because the court lacks jurisdiction of the offense charged in the indictment, the offense being committed out of the jurisdiction of this state, the defendant must be discharged, or ordered to be retained in custody a reasonable time until the prosecuting attorney shall have a reasonable opportunity to inform the chief executive of the state in which the offense was committed of the facts, and for said officer to require the delivery of the offender.
- d. No offense charged—resubmission. If the jury be discharged because the facts set forth do not constitute an offense punishable by law, the court must order the defendant discharged and his or her bail, if any, exonerated, or, if the defendant has deposited money instead of bail, that the money deposited be refunded, or that any conditions upon the defendant's release from custody be discharged. If in the court's opinion a new indictment can be framed upon which the defendant can be legally convicted, the court may direct that the case be submitted to the same or another grand jury.

 2.19(7) The trial judge.
- a. Competency of judge as witness. The judge presiding at the trial shall not testify in that trial as a witness. If the judge is called to testify, no objection need be made in order to preserve the point.
 - b. Disability of trial judge.
- (1) *During trial*. If by reason of death, sickness or other disability the judge before whom a jury trial has commenced is unable to proceed with the trial, any other judge regularly sitting in or assigned to the court, upon certifying familiarity with the record of the trial, may proceed with and finish the trial.
- (2) After verdict or finding of guilt. If by reason of absence, death, sickness or other disability the judge before whom the defendant has been tried is unable to perform the duties to be performed by the court after a verdict or finding of guilty, any other judge regularly sitting in or assigned to the court may perform those duties; but if such other judge is satisfied that such duties cannot be performed because the judge did not preside at the trial or for any other reason, the judge may, exercising discretion, grant a new trial.
- c. Adjournments declared by trial court. While the jury is absent, the court may adjourn from time to time for other business, but it shall be nevertheless deemed open for every purpose connected with the cause submitted to the jury until a verdict is rendered or the jury is discharged.
 - **2.19(8)** *Motion for judgment of acquittal.*
- a. Motion before submission to jury. The court on motion of a defendant or on its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a defendant's motion for judgment of acquittal at the close of the evidence offered by the prosecuting attorney is not granted, the defendant may offer evidence without having waived the right to rely on such motion.
- b. Reservation of decision on motion. If a motion for judgment of acquittal is made at the close of all the evidence, the court may reserve decision on the motion, submit the case to the jury and decide the motion either before the jury returns a verdict or after it returns a verdict or is discharged without having returned a verdict.
- **2.19(9)** Trial of questions involving prior convictions. After conviction of the primary or current offense, but prior to pronouncement of sentence, if the indictment or information alleges one or more prior convictions which by the Code subjects the offender to an increased sentence, the offender shall have the opportunity in open court to affirm or deny that the offender is the person previously convicted, or that the offender was not represented by counsel and did not waive counsel. If the offender denies being the person previously convicted, sentence shall be postponed for such time as to permit a trial before a jury on the issue of the offender's identity with the person previously convicted. Other objections shall be heard and determined by the court, and these other objections shall be asserted prior to trial of the substantive offense in the manner presented in rule 2.11. On the

issue of identity, the court may in its discretion reconvene the jury which heard the current offense or dismiss that jury and submit the issue to another jury to be later impaneled. If the offender is found by the jury to be the person previously convicted, or if the offender acknowledged being such person, the offender shall be sentenced as prescribed in the Code.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §50 to 57; Report 1978, effective July 1, 1979; amendment 1979; amendment 1982; Report December 29, 1992, effective July 1, 1993; November 9, 2001, effective February 15, 2002; June 17, 2010, effective August 16, 2010]

Rule 2.20 Witnesses.

- **2.20(1)** Competency of witnesses; cross-examination of the accused. The rules for determining the competency of witnesses in civil actions are, so far as they are in their nature applicable, extended also to criminal actions and proceedings, except as otherwise provided. A defendant in a criminal action or proceeding shall be a competent witness in the defendant's own behalf, but cannot be called by the state. If the defendant is offered as a witness, the defendant may be cross-examined as an ordinary witness, but the state shall be strictly confined therein to the matters testified to in the examination in chief.
- **2.20(2)** Compelling attendance of witnesses from without the state to proceedings in Iowa. The presence and testimony of a witness located outside the state may be secured through the uniform Act to secure witnesses from without the state set forth in Iowa Code chapter 819.

2.20(3) *Immunity.*

- a. Before any witness shall be compelled to answer or to produce evidence in any judicial proceeding after having asserted that such answer or evidence would tend to render the witness criminally liable, incriminate the witness or violate the witness's right to remain silent, the witness must knowingly waive the witness's right or:
- (1) A county attorney or the attorney general must file with a district judge a verified application setting forth that:

The testimony of the witness, or the production of documents or other evidence in the possession of such witness, or both, is necessary and material; and

The witness has refused to testify, or to produce documents or other evidence, or both, upon the ground that such testimony or evidence would tend to incriminate the witness; and

It is the considered judgment of the county attorney or attorney general that justice and the public interest require the testimony, documents or evidence in question.

- (2) The application, transcripts and orders required by this subrule shall be filed as a separate case in the criminal docket entitled "In the matter of the testimony of (Name of witness)" and shall be indexed in the criminal index under the name of the witness. Any testimony given in support of the application for immunity shall be reported and a transcript of the testimony shall be filed with the application.
- (3) Upon consideration of such application the judge shall enter an order granting the witness immunity to prosecution for any crime or public offense concerning which the witness was compelled to give competent and relevant testimony or to produce competent and relevant evidence.
- (4) Testimony, documents or evidence which has been given by a witness granted immunity shall not be used against the witness in any trial or proceeding, or subject the witness to any penalty or forfeiture; provided, that such immunity shall not apply to any prosecution or proceeding for a perjury or a contempt of court committed in the course of or during the giving of such testimony.
- b. A complete verbatim transcript of testimony given pursuant to an order of immunity shall be made and filed with the application and the order of court. The application, order granting immunity and all transcripts filed shall be sealed upon motion of the defendant, county attorney, or attorney general and shall be opened only by order of the court. This section shall not bar the use of the transcript as evidence in any proceeding except the transcript shall not be used in any proceeding against the witness except for perjury or contempt.
- c. Whoever shall refuse to testify or to produce evidence after having been granted immunity as aforesaid shall be subject to punishment for contempt of court as in the case of any witness who refuses to testify, a claim to privilege against self-incrimination notwithstanding.
- **2.20(4)** Witnesses for indigents. Counsel for a defendant who because of indigency is financially unable to obtain expert or other witnesses necessary to an adequate defense of the case may request in a written application that the necessary witnesses be secured at public expense. Upon finding, after appropriate inquiry, that the services are necessary and that the defendant is financially unable to provide compensation, the court shall authorize counsel to obtain the witnesses on behalf of the

defendant. The court shall determine reasonable compensation and direct payment pursuant to Iowa Code chapter 815.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §58 to 60; 1983 Iowa Acts, ch 186, §10145; Report November 9, 2001, effective February 15, 2002]

Rule 2.21 Evidence.

- **2.21(1)** *Rules*. The rules of evidence prescribed in civil procedure shall apply to criminal proceedings as far as applicable and not inconsistent with the provisions of statutes and these rules.
- **2.21(2)** Questions of law and fact. Upon jury trial of a criminal case, questions of law are to be decided by the court, saving the right of the defendant and state to object; questions of fact are to be tried by jury.
- **2.21(3)** Corroboration of accomplice or person solicited. A conviction cannot be had upon the testimony of an accomplice or a solicited person, unless corroborated by other evidence which shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

Corroboration of the testimony of victims shall not be required.

- **2.21(4)** Confession of defendant. The confession of the defendant, unless made in open court, will not warrant a conviction, unless accompanied with other proof that the defendant committed the offense.
- **2.21(5)** Disposition of exhibits. In all criminal cases other than class "A" felonies, the clerk may dispose of all exhibits within 60 days after the first to occur of:
 - a. Expiration of all sentences imposed in the case.
- b. Order of the court after at least 30 days written notice to all counsel of record including the last counsel of record for the defense, and to the defendant, if incarcerated, granting the right to be heard on the question.

Disposal of firearms and ammunition shall be by delivery to the Department of Public Safety for disposition as provided by law. Disposal of controlled substances shall be by delivery to the Department of Public Safety for disposal under Iowa Code section 124.506.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §61 to 63; 1983 Iowa Acts, ch 37, §7; 1985 Iowa Acts, ch 174, §15; Court Order January 2, 1996, effective March 1, 1996; Report November 9, 2001, effective February 15, 2002]

Rule 2.22 Verdict.

- **2.22(1)** Form of verdicts. The jury must render a verdict of "guilty," which imports a conviction, or "not guilty," "not guilty by reason of insanity," or "not guilty by reason of diminished responsibility," which imports acquittal, on the charge. The jury shall return a verdict determining the degree of guilt in cases submitted to determine the grade of the offense.
- **2.22(2)** Answers to interrogatories. It must also return with the general verdict answers to special interrogatories submitted by the court upon its own motion, or at the request of the defendant in prosecutions where the defense is an affirmative one, or it is claimed any witness is an accomplice, or there has been a failure to corroborate where corroboration is required.

Where a defendant is alleged to be subject to the minimum sentence provisions of Iowa Code section 902.7, (use of a dangerous weapon), and the allegation is supported by the evidence, the court shall submit a special interrogatory concerning that matter to the jury.

- **2.22(3)** Finding offense of different degree; included offenses. Upon trial of an offense consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment or information, and guilty of any degree inferior thereto, or of an attempt to commit the offense when such attempt is prohibited by law. In all cases, the defendant may be found guilty of any offense the commission of which is necessarily included in that with which the defendant is charged.
- **2.22(4)** Several defendants. On an indictment or information against several defendants, if the jury cannot agree upon a verdict as to all, it may render a verdict as to those in regard to whom it does agree, on which a judgment shall be entered accordingly, and the case as to the rest may be tried by another jury. Upon an indictment or information against several defendants, any one or more may be convicted or acquitted.
- **2.22(5)** Return of jury; reading and entry of verdict; unanimous verdict; sealed verdict. The jury, agreeing on a verdict unanimously, shall bring the verdict into court, where it shall be read to them, and inquiry made if it is their verdict. A party may then require a poll asking each juror if it is the juror's verdict. If any juror expresses disagreement on such poll or inquiry, the jury shall be sent out

for further deliberation; otherwise, the verdict is complete and the jury shall be discharged. When the verdict is given and is such as the court may receive, the clerk shall enter it in full upon the record. In any misdemeanor case in which the defendant is not in custody at the time of trial and the parties agree, the court may permit the return of a sealed verdict. The sealing of the verdict is equivalent to rendition in open court, and the jury shall not be polled or permitted to disagree with the verdict. A sealed verdict and the answer to each interrogatory shall be signed by all jurors, sealed, and delivered by the court attendant to the clerk of court, who shall enter it upon the record and disclose it to the court as soon as practicable.

- **2.22(6)** Verdict insufficient; reconsideration; informal verdict. If the jury renders a verdict which is in none of the forms specified in this rule, or a verdict of guilty in which it appears to the court that the jury was mistaken as to the law, the court may direct the jury to reconsider it, and it shall not be recorded until it is rendered in some form from which the intent of the jury can be clearly understood. If the jury persists in finding an informal verdict, from which, however, it can be understood that the intention is to find for the defendant upon the issue, it shall be entered in the terms in which it is found, and the court must give judgment of acquittal.
- **2.22(7)** Defendant discharged on acquittal. If judgment of acquittal is given on a general verdict of not guilty, and the defendant is not detained for any other legal cause, the defendant must be discharged as soon as the judgment is given.
 - **2.22(8)** Acquittal on ground of insanity or diminished responsibility; commitment hearing.
- a. Jury finding. If the defense is insanity or diminished responsibility, the jury must be instructed that, if it acquits the defendant on either of those grounds, it shall state that fact in its verdict.
- b. Commitment for evaluation. Upon a verdict of not guilty by reason of insanity or diminished responsibility, the court shall immediately order the defendant committed to a state mental health institute or other appropriate facility for a complete psychiatric evaluation and shall set a date for a hearing to inquire into the defendant's present mental condition. The court shall prepare written findings which shall be delivered to the facility at the time the defendant is admitted fully informing the chief medical officer of the facility of the reason for the commitment. The chief medical officer shall report to the court within 15 days of the admission of the defendant to the facility, stating the chief medical officer's diagnosis and opinion as to whether the defendant is mentally ill and dangerous to the defendant's self or to others. The court shall promptly forward a copy of the report to the defendant's attorney and to the attorney for the state. An extension of time for the evaluation, not to exceed 15 days, may be granted upon the chief medical officer's request after due consideration of any objections or comments the defendant may have.
- c. Independent examination. The defendant may have a separate examination conducted at the facility by a licensed physician of the defendant's choice and the report of the independent examiner shall be submitted to the court.
- d. Return for hearing. Upon filing the report required by this rule or the filing of any subsequent report regarding the defendant's mental condition, the chief medical officer shall give notice to the sheriff and county attorney of the county from which the defendant was committed and the sheriff shall receive and hold the defendant for hearing. However, if the chief medical officer believes continued custody of the defendant at the facility is necessary to ensure the defendant's safety or the safety of others and states that finding in the report, the court shall make arrangements for the hearing to be conducted as soon as practicable at a suitable place within the facility to which the defendant was committed.
- e. Hearing; release or retention in custody. If, upon hearing, the court finds that the defendant is not mentally ill and no longer dangerous to the defendant's self or to others, the court shall order the defendant released. If, however, the court finds that the defendant is mentally ill and dangerous to the defendant's self or to others, the court shall order the defendant committed to a state mental health institute or to the Iowa security and medical facility and retained in custody until the court finds that the defendant is no longer mentally ill and dangerous to the defendant's self or to others. The court shall give due consideration to the chief medical officer's findings and opinion along with any other relevant evidence that may be submitted.

No more than 30 days after entry of an order for continued custody, and thereafter at intervals of not more than 60 days as long as the defendant is in custody, the chief medical officer of the facility to which the defendant is committed shall report to the court which entered the order. Each periodic report shall describe the defendant's condition and state the chief medical officer's prognosis if the defendant's condition has remained unchanged or has deteriorated. The court shall forward a copy of

each report to the defendant's attorney and to the attorney for the state.

If the chief medical officer reports at any time that the defendant is no longer mentally ill and is no longer dangerous to the defendant's self or to others, the court shall, upon hearing, order the release of the defendant unless the court finds that continued custody and treatment are necessary to protect the safety of the defendant's self or others in which case the court shall order the defendant committed to the Iowa security and medical facility for further evaluation, treatment, and custody.

2.22(9) Proof necessary to sustain verdict of guilty.

- a. Reasonable doubt. Where there is a reasonable doubt of the defendant being proven to be guilty, the defendant is entitled to an acquittal.
- b. Reasonable doubt as to degree. Where there is a reasonable doubt of the degree of the offense of which the defendant is proved to be guilty, the defendant shall only be convicted of the degree as to which there is no reasonable doubt.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §64, 65; amendment 1980; amendment 1982; 1984 Iowa Acts, ch 1323, §5; amendment 1999; Report November 9, 2001, effective February 15, 2002]

Rule 2.23 Judgment.

- **2.23(1)** Entry of judgment of acquittal or conviction. Upon a verdict of not guilty for the defendant, or special verdict upon which a judgment of acquittal must be given, the court must render judgment of acquittal immediately. Upon a plea of guilty, verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, the court must fix a date for pronouncing judgment, which must be within a reasonable time but not less than 15 days after the plea is entered or the verdict is rendered, unless defendant consents to a shorter time.
- **2.23(2)** Forfeiture of bail; warrant of arrest. If the defendant has been released on bail, or has deposited money instead thereof, and does not appear for judgment when the defendant's personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail or money deposited, may make an order directing the clerk, on the application of the county attorney at any time thereafter, to issue a warrant that substantially complies with the form that accompanies these rules into one or more counties for the defendant's arrest. The warrant may be served in any county in the state. The officer must arrest the defendant and bring the defendant before the court, or commit the defendant to the officer mentioned in the warrant.

2.23(3) *Imposition of sentence.*

- a. Informing the defendant. When the defendant appears for judgment, the defendant must be informed by the court or the clerk under its direction, of the nature of the indictment, the defendant's plea, and the verdict, if any thereon, and be asked whether the defendant has any legal cause to show why judgment should not be pronounced against the defendant.
- b. What may be shown for cause. The defendant may show for cause against the entry of judgment any sufficient ground for a new trial or in arrest of judgment.
- c. Incompetency. If it reasonably appears to the court that the defendant is suffering from a mental disorder which prevents the defendant from appreciating or understanding the nature of the proceedings or effectively assisting defendant's counsel, judgment shall not be immediately entered and the defendant's mental competency shall be determined according to the procedures described in Iowa Code sections 812.3 through 812.5.
- d. Judgment entered. If no sufficient cause is shown why judgment should not be pronounced, and none appears to the court upon the record, judgment shall be rendered. Prior to such rendition, counsel for the defendant, and the defendant personally, shall be allowed to address the court where either wishes to make a statement in mitigation of punishment. In every case the court shall include in the judgment entry the number of the particular section of the Code under which the defendant is sentenced. The court shall state on the record its reason for selecting the particular sentence.
- e. Notification of right to appeal. After imposing sentence in a case, the court shall advise the defendant of the defendant's statutory right to appeal and the right of a person who is unable to pay the costs of appeal to apply to the court for appointment of counsel and the furnishing of a transcript of the evidence as provided in Iowa Code sections 814.9 and 814.11.

Such notification shall advise defendant that filing a notice of appeal within the time and in the manner specified in Iowa R. App. P. 6.101 is jurisdictional and failure to comply with these provisions shall preclude defendant's right of appeal.

The trial court shall make compliance with this rule a matter of record.

f. Exercise of right to appeal. After notifying the defendant of the defendant's statutory right to appeal, the trial court may ask the defendant if the defendant desires to appeal. If, after appropriate

consultation with counsel the defendant responds affirmatively, the court shall direct defense counsel to file notice of appeal forthwith and, if the defendant is indigent, shall at once order the transcript and appoint appellate counsel, without awaiting application therefor under Iowa Code sections 814.9 and 814.11.

g. Clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §66 to 68; Report 1978, effective July 1, 1979; 1984 Iowa Acts, ch 1323, §6; Report June 5, 1985, effective August 5, 1985; November 9, 2001, effective February 15, 2002]

Rule 2.24 Motions after trial.

2.24(1) *In general.* Permissible motions after trial include motions for new trial, motions in arrest of judgment, and motions to correct a sentence.

2.24(2) New trial.

- a. Procedural steps in seeking or ordering new trial. The application for a new trial can be made only by the defendant and shall be made not later than 45 days after verdict of guilty or special verdict upon which a judgment of conviction may be rendered. In any case, the application shall not be made later than five days before the date set for pronouncing judgment. However, an application for a new trial based upon newly discovered evidence may be made after judgment. After giving the parties notice and an opportunity to be heard, the court may grant a motion for a new trial even for a reason not asserted in the motion. In any case the court shall specify in the order the grounds therefor.
 - b. Grounds. The court may grant a new trial for any or all of the following causes:
- (1) When the trial has been held in the absence of the defendant, in cases where such presence is required by law, except as provided in rule 2.27.
- (2) When the jury has received any evidence, paper or document out of court not authorized by the court.
- (3) When the jury have separated without leave of court, after retiring to deliberate upon their verdict, or have been guilty of any misconduct tending to prevent a fair and just consideration of the case.
- (4) When the verdict has been decided by lot, or by means other than a fair expression of opinion on the part of all jurors.
- (5) When the court has misdirected the jury in a material matter of law, or has erred in the decision of any question of law during the course of the trial, or when the prosecuting attorney has been guilty of prejudicial misconduct during the trial thereof before a jury.
 - (6) When the verdict is contrary to law or evidence.
 - (7) When the court has refused properly to instruct the jury.
- (8) When the defendant has discovered important and material evidence in the defendant's favor since the verdict, which the defendant could not with reasonable diligence have discovered and produced at the trial. A motion based upon this ground shall be made without unreasonable delay and, in any event, within two years after final judgment, but such motion may be considered thereafter upon a showing of good cause. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits or testimony of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits or testimony, the court may postpone the hearing of the motion for such length of time as, under all circumstances of the case, may be reasonable.
 - (9) When from any other cause the defendant has not received a fair and impartial trial.
- c. Trials without juries. On a motion for a new trial in an action tried without a jury, the court may where appropriate, in lieu of granting a new trial, vacate the judgment if entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and enter judgment accordingly.
- d. Effect of a new trial. Upon a new trial, the former verdict cannot be used or referred to either in evidence or argument.
- e. Time of decision. A motion for new trial shall be heard and determined by the court within 30 days from the date it is filed, except upon good cause entered in the record.

2.24(3) Arrest of judgment.

a. Motion in arrest of judgment; definition and grounds. A motion in arrest of judgment is an application by the defendant that no judgment be rendered on a finding, plea, or verdict of guilty. Such motion shall be granted when upon the whole record no legal judgment can be pronounced.

A defendant's failure to challenge the adequacy of a guilty plea proceeding by motion in arrest of judgment shall preclude the defendant's right to assert such challenge on appeal.

- b. Time of making motion by party. The motion must be made not later than 45 days after plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction may be rendered, but in any case not later than five days before the date set for pronouncing judgment.
- c. On motion of court. The court may also, upon its own observation of any of these grounds, arrest the judgment on its own motion.
- d. Effect of order arresting judgment. The effect of an order arresting judgment on any ground other than a defect in a guilty plea proceeding is to place the defendant in the same situation in which the defendant was immediately before the indictment was found or the information filed. The effect of an order arresting judgment on the ground the guilty plea proceeding was defective is to place the defendant in the same situation in which the defendant was immediately after the indictment was found or the information filed; provided, however, that when the only ground upon which the guilty plea is found to be defective is failure to establish a factual basis for the charge, the court shall afford the state an opportunity to establish an adequate factual basis before ruling on the motion in arrest of judgment.
- e. Proceedings after order arresting judgment on any ground other than a defect in a guilty plea proceeding. If, from the evidence on the trial, there is reasonable ground to believe the defendant guilty, and a new indictment or information can be framed, the court may order the defendant to be recommitted to the officer of the proper county, or admitted to bail or otherwise released anew, to answer the new indictment. In such case the order arresting judgment shall not be a bar to another prosecution. But if the evidence upon trial appears to the trial court insufficient to charge the defendant with any offense, the defendant must, if in custody, be released; or, if admitted to bail, the defendant's bail be exonerated; or if money has been deposited instead of bail, it must be refunded to the defendant or to the person or persons found by the court to have deposited said money on behalf of the defendant.
- f. Time of decision. A motion in arrest of judgment shall be heard and determined by the court within 30 days from the date it is filed, except upon good cause entered in the record.

2.24(4) *General principles.*

- a. Extensions. The time for filing motions for new trial or in arrest of judgment may be extended to such further time as the court may fix.
- b. Disposition. If the defendant moves for a new trial, or in arrest of judgment, the court shall defer the judgment and proceed to hear and decide the motions.
- c. Appeal. Appeal from an order granting or denying a motion for new trial or in arrest of judgment may be taken by the state or the defendant. Where the court has denied the motion for new trial or in arrest of judgment, or both, appeal may be had only after judgment is pronounced.
- d. Custody pending appellate determination. Pending determination by the appellate court of such appeal, the trial court shall determine whether the defendant shall remain in custody, or whether, if in custody, the defendant should be released on bail or the defendant's own recognizance. Where the trial court has arrested judgment and an appeal is taken by the state, and it further appears to the trial court that there is no evidence sufficient to charge the defendant with an offense, the defendant shall not be held in custody.
- e. Reinstatement of verdict. In the event the appellate court reverses the order of the trial court arresting judgment or granting a new trial, it shall order that the verdict be reinstated, unless the appellate court finds other reversible errors, in which event it may enter an appropriate different order.

2.24(5) Correction of sentence.

- a. Time when correction of sentence may be made. The court may correct an illegal sentence at any time.
- b. Credit for time served. The defendant shall receive full credit for time spent in custody under the sentence prior to correction or reduction.
- $[66GA, ch\ 1245(2), \$1301; 67GA, ch\ 153, \$69 to\ 73;$ Report 1978, effective July 1, 1979; amendment 1983; November 9, 2001, effective February 15, 2002]

Rule 2.25 Bill of exceptions.

- **2.25(1)** *Purpose.* The purpose of a bill of exceptions is to make the proceedings or evidence appear of record which would not otherwise so appear.
- **2.25(2)** What constitutes record; exceptions unnecessary. All papers pertaining to the cause and filed with the clerk, and all entries made by the clerk in the record book pertaining to them, and showing the action or decision of the court upon them or any part of them, and the judgment, are to

be deemed parts of the record, and it is not necessary to except to any action or decision of the court so appearing of record.

- **2.25(3)** Grounds for exceptions. On the trial of an indictable offense, exceptions may be taken by the state or by the defendant to any decision of the court upon matters of law, in any of the following cases:
 - a. In disallowing a challenge to an individual juror.
- b. In admitting or rejecting witnesses or evidence on the trial of any challenge to an individual juror.
 - c. In admitting or rejecting witnesses or evidence.
 - d. In deciding any matter of law, not purely discretionary on the trial of the issue.

Exceptions may also be taken to any action or decision of the court which affects any other material or substantial right of either party, whether before or after the trial of the indictment, or on the trial.

- **2.25(4)** *Bill by judge.* Either party may take an exception to any decision or action of the court, in any stage of the proceedings, not required to be and not entered in the record book, and reduce the same to writing, and tender the same to the judge, who shall sign it if true, and if signed it shall be filed with the clerk and become part of the record of the cause.
- **2.25(5)** *Bill by bystanders.* If the judge refuses to sign it, such refusal must be stated at the end thereof, and it may then be signed by two or more attorneys or officers of the court or disinterested bystanders, and sworn to by them, and filed with the clerk, and it shall thereupon become a part of the record of the cause.
- **2.25(6)** Time to approve bill. The judge shall be allowed one court day to examine the bill of exceptions, and the party excepting shall be allowed three court days thereafter to procure the signatures and file the same.
- **2.25(7)** *Modification of bill.* If the judge and the party excepting can agree in modifying the bill of exceptions, it shall be modified accordingly.
- **2.25(8)** *Time allowed to prepare bill.* Time must be given to prepare the bill of exceptions when it is necessary; if it can reasonably be done, it shall be settled at the time of taking the exception. [Report 1979; Court Order December 20, 1996; November 9, 2001, effective February 15, 2002]

Rule 2.26 Execution and stay thereof.

- **2.26(1)** *Mechanics of execution.*
- a. Copy of judgment. When a judgment of confinement, either in the penitentiary or county jail or other detention facility, is pronounced, an execution, consisting of a certified copy of the entry of judgment must be forthwith furnished to the officer whose duty it is to execute the same, who shall proceed and execute it accordingly, and no other warrant or authority is necessary to justify or require its execution.
- b. Execution and return within county; confinement. A judgment for confinement to be executed in the county where the trial is had shall be executed by the sheriff thereof, and return made upon the execution, which shall be delivered to and filed by the clerk of said court.
 - c. Executions outside county; confinement.
- (1) Under all other judgments for confinement, the sheriff shall deliver a certified copy of the execution with the body of the defendant to the keeper of the jail or penitentiary in which the defendant is to be confined in execution of the judgment, and take receipt therefor on a duplicate copy thereof, which the sheriff must forthwith return to the clerk of the court in which the judgment was rendered, with the sheriff's return thereon, and a minute of said return shall be entered by the clerk as a part of the record of the proceedings in the cause in which the execution issued.
- (2) When such defendant is discharged from custody, the jailer or warden of the place of confinement shall make return of such fact to the proper court, and an entry thereof shall be made by its clerk as is required in the first instance.
 - d. Execution for fine.
- (1) Upon a judgment for a fine, an execution may be issued as upon a judgment in a civil case, and return thereof shall be made in like manner.
- (2) Judgments for fines, in all criminal actions rendered, are liens upon the real estate of the defendant, and shall be entered upon the lien index in the same manner and with like effect as judgments in civil actions.
- e. Execution in other cases. When the judgment is for the abatement or removal of a nuisance, or for anything other than confinement or payment of money by the defendant, an execution consisting of a certified copy of the entry of such judgment, delivered to the sheriff of the proper county, shall

authorize and require the sheriff to execute such judgment and return the same, with the sheriff's doings under the same thereon endorsed, to the clerk of the court in which the judgment was rendered, within a time specified by the court but not exceeding 70 days after the date of the certificate of such certified copy.

- f. Days in jail before trial credited. The defendant shall receive full credit for time spent in custody on account of the offense for which the defendant is convicted.
 - **2.26(2)** Stay of execution.
- a. Confinement. A sentence of confinement shall be stayed if an appeal is taken and the defendant is released pending disposition of appeal pursuant to Iowa Code chapter 814.
- b. Fine and other cases. The defendant may have a stay of execution for the same length of time and in the same manner as provided by law in civil actions, and with like effect, and the same proceedings may be had therein.
- c. Probation. An order placing the defendant on probation may be stayed if an appeal is taken. If not stayed, the court shall specify when the term of probation shall commence. If the order is stayed the court shall fix the terms of the stay.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §74; Report November 9, 2001, effective February 15, 2002]

Rule 2.27 Presence of defendant; regulation of conduct by the court.

- **2.27(1)** Felony or misdemeanor. In felony cases the defendant shall be present personally or by interactive audiovisual closed circuit system at the initial appearance, arraignment and plea, unless a written arraignment form as provided in rule 2.8(1) is filed, and pretrial proceedings, and shall be personally present at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule. In other cases the defendant may appear by counsel.
- **2.27(2)** Continued presence not required. In all cases, the progress of the trial or any other proceeding shall not be prevented whenever a defendant, initially present:
 - a. Is voluntarily absent after the trial or other proceeding has commenced.
 - b. Engages in conduct justifying exclusion from the courtroom.
 - **2.27(3)** Presence not required. A defendant need not be present in the following situations:
 - a. A corporation may appear by counsel for all purposes.
 - b. The defendant's presence is not required at a reduction of sentence under rule 2.24.
 - **2.27(4)** Regulation of conduct in the courtroom.
- a. When a defendant engages in conduct seriously disruptive of judicial proceedings, one or more of the following steps may be employed to ensure decorum in the courtroom:
 - (1) Cite the defendant for contempt.
 - (2) Take the defendant out of the courtroom until the defendant promises to behave properly.
 - (3) Bind and gag the defendant, thereby keeping the defendant present.
- b. When a magistrate reasonably believes a person who is present in the courtroom has a weapon in the person's possession, the magistrate may direct that such person be searched, and any weapon be retained subject to order of the court.
- c. The magistrate may cause to have removed from the courtroom any person whose exclusion is necessary to preserve the integrity or order of the proceedings. [66GA, ch 1245(2), §1301; 67GA, ch 153, §75, 76; amendment 1984; Report April 20, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002]

Rule 2.28 Right to appointed counsel.

2.28(1) Representation. Every defendant who is an indigent person as defined in Iowa Code section 815.9 is entitled to have counsel appointed to represent the defendant at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation revocation hearings, unless the defendant waives such appointment.

An alleged parole violator who is an indigent person as defined in Iowa Code section 815.9 shall be advised during his or her initial appearance of the right to request the appointment of counsel for the parole revocation proceedings.

2.28(2) Compensation. When counsel is appointed to represent an indigent defendant or alleged parole violator, compensation shall be paid as directed in Iowa Code chapter 815. [66GA, ch 1245(2), §1301; 67GA, ch 153, §77; 69GA, ch 117, §1242; 1983 Iowa Acts, ch 186, §10146; Report November 9, 2001, effective February 15, 2002; January 3, 2003, effective March 17, 2003; January 4, 2005, effective March 15, 2005]

Rule 2.29 Appointment of appellate counsel in criminal cases.

- **2.29(1)** An indigent defendant, as defined in Iowa Code section 815.9, convicted of an indictable offense or a simple misdemeanor where defendant faces the possibility of imprisonment, is entitled to appointment of counsel on appeal or application for discretionary review to the supreme court. Application for appointment of appellate counsel shall be made to the trial court, which shall retain authority to act on the application after notice of appeal or application for discretionary review has been filed. The district court clerk shall promptly submit any application for appointment of counsel or for transcript at public expense to a judge with authority to act on the application. The clerk shall also provide the supreme court clerk with a copy of any order appointing appellate counsel. The supreme court or a justice may appoint counsel if the trial court fails or refuses to appoint and it becomes necessary to further provide for counsel.
- **2.29(2)** Defendant may orally apply for appointment of appellate counsel only at the time specified in rule 2.23(3)(f). Upon such oral application if the trial court determines defendant is an indigent, the court shall proceed pursuant to rule 2.23(3)(f).
- **2.29(3)** At all subsequent times defendant shall apply for appointment of appellate counsel in writing to the trial court, which shall by order either approve or deny such application no later than seven days after it is filed.
- **2.29(4)** If the trial court finds defendant is ineligible for appointment of appellate counsel, it shall include in the record a statement of the reasons why counsel was not appointed. Defendant may apply to the supreme court for review of a trial court order denying defendant appointed counsel. Such application must be filed with the supreme court within ten days of the filing of the trial court order denying defendant's request for appointed counsel.
- **2.29(5)** If defendant has proceeded as an indigent in the trial court and a financial statement already has been filed pursuant to Iowa Code section 815.9, the defendant, upon making application for appointment of appellate counsel, shall be presumed to be indigent, and an additional financial statement shall not be required unless evidence is offered that defendant is not indigent. In all other cases defendant shall be required to submit a financial statement to the trial court. Defendant and appointed appellate counsel are under a continuing obligation to inform the trial court of any change in circumstances that would make defendant ineligible to qualify as indigent.
- **2.29(6)** Trial counsel shall continue as defendant's appointed appellate counsel unless the trial court or supreme court orders otherwise. Unless appellate counsel is immediately appointed under rule 2.23(3)(f), trial counsel shall determine whether defendant wants to appeal. If so, and defendant desires appointed appellate counsel, trial counsel shall file with the district court the notice of appeal, an application for appointment of counsel, and an application for production of transcripts at public expense. Selection of appointed appellate counsel shall be the responsibility of the trial court. Defendant shall not have the right to select the attorney to be assigned; however, defendant's request for particular counsel shall be given consideration by the trial court.

[Report 1980; 1983 Iowa Acts, ch 186, §10147; Report October 27, 1999, effective January 3, 2000; November 9, 2001, effective February 15, 2002; November 18, 2016, effective March 1, 2017]

Rule 2.30 Duty of continuing representation; withdrawal.

- **2.30(1)** Trial counsel may withdraw at any time after the final determination and disposition of the criminal action by the dismissal of the indictment or trial information or the acquittal of the defendant. However, in the event of the entry of a judgment of conviction and sentence, an attorney may not withdraw without leave of court until filing of notice of appeal, an application for appointment of counsel, and an application for production of transcripts at public expense in accordance with rule 2.29(6), if applicable, or until the expiration of the time for appeal from the judgment of conviction if no notice of appeal is filed, whichever occurs first. If a defendant entitled to court-appointed counsel wishes to appeal, counsel must file with the district court the notice of appeal, an application for appointment of counsel, and an application for production of transcripts at public expense in accordance with rule 2.29(6) before being allowed to withdraw.
- **2.30(2)** Withdrawals allowed under this rule pertain only to the district court proceedings, and counsel of record in the district court will be deemed to be counsel in the appellate court in accordance with the provisions of Iowa R. App. P. 6.109(4) in the event of an appeal unless other counsel is retained or appointed and notice is given to the parties and the clerk of the supreme court. If counsel is not court appointed, counsel may withdraw from appellate proceedings pursuant to rule 6.109(5). [Report 1980; November 9, 2001, effective February 15, 2002; November 18, 2016, effective March 1, 2017]

Rule 2.31 Compensation of appointed appellate counsel. Appointed appellate counsel's compensation shall be determined by the trial court pursuant to the provisions of Iowa Code section 815.7

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 2.32 Forms — Appointment of Counsel Rule 2.32 — Form 1: Financial Affidavit and Application for Appointment of Counsel.

nancial Affidavit and Appointment of Denalty of perjury, the Date of birth: Email: City	d Application of Counsel he undersigne	of for
Date of birth: _ Email:		
Email:		
City		
	State	Zip
	In jail? 🗖	Yes □ No
(list hours per week:	3)
per 🗖 ho	our 🗖 month	☐ year
before taxes or deduc	ctions?	
per 🗆 ho	our 🗆 month	□ year
s, land, houses, building	ngs, cash, or a	
, child support, and ar	ny other debts	:
e information subn	nitted on thi	s financial
S	per ho	per lour month coming in: s, land, houses, buildings, cash, or a s, child support, and any other debts any attorney fees and costs, I may be information submitted on this application are true,

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 2.32 — Form 1A: Order for Appointment of Counsel.

	70-	In the Iowa District Court for County
Pla		No
Financia	the avail	day of, 20, the court having received and examined Defendant's vit and Application for Appointment of Counsel and having considered not only Defendant's income, ability of any assets subject to execution and the seriousness of the charge or nature of the case, finds
1.	Defend	ant:
		Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
		 Defendant's income is at or below 125% of the poverty guidelines and Defendant is unable to pay for the cost of an attorney; or Defendant's income is between 125% and 200% of the poverty guidelines and not appointing counsel would cause Defendant substantial financial hardship; or Defendant's Income is over 200% of the poverty guidelines, Defendant is charged with a felony, and not appointing counsel would cause Defendant substantial financial hardship.
		Is not eligible for court-appointed counsel pursuant to Iowa Code section 815.9.
2.	Counse	appointed below to represent Defendant is:
		The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; or
		An attorney not designated by the State Public Defender, and any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, and the appointed attorney:
		 Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; or Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; or Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.
It i	s therefo	re ordered that Defendant's Application for Appointment of Counsel is
		Denied. Approved, and that is appointed to represent Defendant in this case at State expense and may be contacted at
Copy to):	Judge, Judicial District

*Note: In a parole revocation proceeding, the appointment order must include additional specific findings. See Iowa Code § 908.2A(1)(c); Iowa Administrative Code 493—12.2(1)"b"(2). Do not use this form for parole revocation appointments.

[Report November 8, 2012, effective January 7, 2013]

Rule 2.32 — Form 2: Financial Affidavit of Parent and Application for Appointment of Counsel for \square Child \square Parent \square Other.

	In the Iowa District Court for	County (Juvenile Division)	
39	of	 Juvenile No	Application
T			signed states.
0.00	50 ISSE 5155	ounsel, and under penalty of perjury, the unders Date of birth:	
		Email:	
Street address: _	Street/P.O. Box	Apt # City State	Zip
		Relationship to Child(ren): Parent Othe	r:
Do you have a jo	ob? ☐ No job ☐ Yes, full time	☐ Yes, part time (list hours per week:	
-	k for?	2005 1.00 5 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	
10		es or deductions? per	nonth 🗆 year
		hs from any source, before taxes or deductions?	
	ly members are supported by or live		
If a spouse lives	with you, how much money does yo	ur spouse make? per	onth \Box year
List all other mo	ney you, and anyone else living in yo	our household, has coming in:	-1888
			11
	vn, including money in banks, cars, t than \$100:	rucks, other vehicles, land, houses, buildings, cash,	or anything
List amounts you	u pay monthly for mortgages, rent, ca	ar loans, credit cards, child support, and any other c	lebts:
0			
required to sig financial affida	n a wage assignment, and I mus	for my attorney fees and costs and those of my st report any changes in the information suberjury that the statements I make in this applic resent me.	mitted on this
Date		Signature	
		Digitatal C	

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 2.32 — Form 2A: Order for Appointment of Counsel for \square Child \square Parent \square Other.

		In the Iowa District Court for	County (Juvenile Division)
In the Inter		f) Juvenile No
Now or Affidavit of income, but case, finds t	also	the availability of any assets subject to	the Court having received and examined the Financial Counsel and having considered not only the Child/Applicant's execution and the seriousness of the charge or nature of the
1. Ch	ild/A	pplicant:	
		Is eligible* for court-appointed counse	pursuant to Iowa Code section 815.9 because:
		is unable to pay for the cost of a Child/Applicant's income is bet appointing counsel would cause Child/Applicant's Income is over	or below 125% of the poverty guidelines and Child/Applicant in attorney; or ween 125% and 200% of the poverty guidelines and not Child/Applicant substantial financial hardship; or 200% of the poverty guidelines, case is a felony-level counsel would cause Child/Applicant substantial financial
		Is a child and is otherwise eligible for	court-appointed counsel under Iowa Code chapter 232.
		Is not eligible for court-appointed cour	sel.
2. Co	unse	l/guardian ad litem appointed below to	represent the Child/Applicant is:
			ofit organization, or attorney designated by the State Public n 13B.4(2) to represent indigent persons in this type of case in
		other designee of the State Public Defe	Public Defender, and any local public defender office or inder for this type of case in this county has been contacted and awn from the case, or there is no designation for this type of attorney:
e e		of case and in this county; or Does not have such a contract, this type of case in this county this case; or	State Public Defender to represent indigent persons in this type out all attorneys with a contract to represent indigent persons in have been contacted and no such attorney is available to take out the State Public Defender has been consulted and consents
It is the	erefo	re ordered that Child/Applicant's Appl	ication for Appointment of Counsel is
		Denied. Approved, and that counsel/guardian ad litem in this case	is appointed to serve as at state expense
Comuter			Judge, Judicial District
Copy to:			

*Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

[Report November 8, 2012, effective January 7, 2013]

Rule 2.33 Dismissal of prosecutions; right to speedy trial.

- **2.33(1)** Dismissal generally; effect. The court, upon its own motion or the application of the prosecuting attorney, in the furtherance of justice, may order the dismissal of any pending criminal prosecution, the reasons therefor being stated in the order and entered of record, and no such prosecution shall be discontinued or abandoned in any other manner. Such a dismissal is a bar to another prosecution for the same offense if it is a simple or serious misdemeanor; but it is not a bar if the offense charged be a felony or an aggravated misdemeanor.
- **2.33(2)** Speedy trial. It is the public policy of the state of Iowa that criminal prosecutions be concluded at the earliest possible time consistent with a fair trial to both parties. Applications for dismissals under this rule may be made by the prosecuting attorney or the defendant or by the court on its own motion.
- a. When an adult is arrested for the commission of a public offense, or, in the case of a child, when the juvenile court enters an order waiving jurisdiction pursuant to Iowa Code section 232.45, and an indictment is not found against the defendant within 45 days, the court must order the prosecution to be dismissed, unless good cause to the contrary is shown or the defendant waives the defendant's right thereto.
- b. If a defendant indicted for a public offense has not waived the defendant's right to a speedy trial the defendant must be brought to trial within 90 days after indictment is found or the court must order the indictment to be dismissed unless good cause to the contrary be shown.
- c. All criminal cases must be brought to trial within one year after the defendant's initial arraignment pursuant to rule 2.8 unless an extension is granted by the court, upon a showing of good cause
- d. If the court directs the prosecution to be dismissed, the defendant, if in custody, must be discharged, or the defendant's bail, if any, exonerated, and if money has been deposited instead of bail, it must be refunded to the defendant.
- **2.33(3)** Jury impaneled outside of county. For purposes of this section, when a jury is to be impaneled from outside the county under rule 2.11(10)(d), a defendant is deemed to have been brought to trial as of the day when the trial commences in the county in which jury selection takes place.
- **2.33(4)** Change of venue after jury selection commenced. Whenever a change of venue is granted pursuant to Iowa Code section 803.2, the defendant may be brought to trial within 30 days of the grant of the change of venue, notwithstanding rule 2.33(2)(b).
- [66GA, ch 1245(2), §1301; amendment 1979; amendment 1980; amendment 1982; 82 Acts, ch 1021, §5, effective July 1, 1983; Report November 9, 2001, effective February 15, 2002]

Rule 2.34 Motions, orders and other papers.

- **2.34(1)** *Motions.* An application to the court for an order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the court permits it to be made orally. It shall state the grounds upon which it is made and shall set forth the relief or order sought. It may be supported by affidavit.
- **2.34(2)** Service of motions, orders and papers. Service and filing of written motions, notices, orders and other similar papers shall be in the manner provided in civil actions. [66GA, ch 1245(2), §1301; Report November 9, 2001, effective February 15, 2002; June 29, 2009, effective August 28, 2009]

Rule 2.35 Rules of court.

- **2.35(1)** District court practice rules. The supreme court and district court shall have authority to adopt rules governing practice in the district court which are not inconsistent with these rules and applicable statutes.
- **2.35(2)** *Procedures not specified.* If no procedure is specifically prescribed by these rules or by statute, the court may proceed in any lawful manner not inconsistent therewith. [66GA, ch 1245(2), §1301; 67GA, ch 153, §78; Report November 9, 2001, effective February 15, 2002]

Rule 2.36 Forms for search and arrest warrants. Rule 2.36 — Form 1: Search Warrant.

A search warrant shall be in substantially the following form:

IN THE IOWA DISTRICT COURT FOR	COUNTY
State of Iowa,	Before (Judge, Magistrate) Criminal Case No
VS.	SEARCH WARRANT
(Defendant).	
TO ANY PEACE OFFICER OF THIS STATE: Proof has been made before me, as provided by law, on location/address) in the possession of	this day that (describe property) is being kept at (describe , and has been or is being held in violation o
the laws of this state.	ere whether the search is of a person (named), premises, or a
	are commanded to bring the property before me at my office
Dated at	, Iowa, this day of
, 20	
(Signature)	(Official title)

Rule 2.36 — Form 2: Application for Search Warrant.

An application for a search warrant shall be in substantially the following form:

An application for a search warrant shall b	e in substantially			
	8			
APPLICA	TION FOR SEA	ARCH WARRANT		
Being duly sworn, I, the undersigned, say follows:	that at the place (a	and on the person(s) and in the	he vehicle(s))) described as
in	County,	there is now certain propert	y, namely:	
which is:				
Property that has been obtained in v Property, the possession of which is Property used or possessed with the concealed to prevent an offense from Property relevant and material as ev The facts establishing the foregoing groun made part of this application.	illegal. intent to be used m being discovere ridence in a crimir	d. al prosecution.		
made part of this apprecation.	,	Applicant		
		TT		
Subscribed and sworn to before me this	day of		, 20	·
,	>	Judge or Magistrate		
			Ju	dicial District,
WHEREFORE, the undersigned asks that a s				
	,		Cou	unty Attorney
	Ву	Assistant County Attorn	ney	-

Application for Search Warrant (cont'd)

	Case No
A	ATTACHMENT A
occupation.	No. of years:
Assignment:	No. of years:
	nvestigation and received information from other officers and other sources as follows: investigative and police reports.)
	Case No INFORMANT'S ATTACHMENT
Note: Prepare separate attachr	ment for each informant)
Peace officer	received information from an informant whose name is:
Endanger informant's fut	ture usefulness to law enforcement.
The informant is reliable for the	
Is a mature individual Is regularly employed Is a student in good st Is a well-respected far Is a person of truthful Has no motivation to Has no known associa Has no known crimin Has otherwise demons	anding. mily or business person. reputation. falsify the information. tion with known criminals. al record. strated truthfulness. (State in the narrative the facts that led to this conclusion.)
	ed information in the past times.
	rmation has helped supply the basis for search warrants. rmation has led to the making of arrests.
	informant has led to the filing of the following charges:
contraband. The informant has not give The information supplied	e informant has led to the discovery and seizure of stolen property, drugs, or other ren false information in the past. I by the informant in this investigation has been corroborated by law enforcement e narrative the corroborated information and how it was corroborated.)

The informant has provided the following information:

Rule 2.36 — Form 3: Endorsement on Search Warrant Application.

An endorsement on a search warrant shall be in substantially the following form:

	Case No.
In issuing the search warrant, the	SEARCH WARRANT APPLICATION undersigned relied upon the sworn testimony of the following ments and information contained in the application and an upon the following witnesses: Address
Abstract of Testimony. (As set following information.)	forth in the application and the attachments thereto, plus the
The undersigned has relied, at lease (who need not be named) to the peace	st in part, on information supplied by a confidential informant officer(s) shown on Attachment(s)
occasions; or, B. Sworn testimony indicat	ause (select): ites this informant has given reliable information on previous es that either the informant appears credible or the information ring reasons (if credibility is based on this ground, the magistrate
The information (is/is not) found to ju I therefore (do/do not) issue the warra	100 6
, ,	

Rule 2.36 — Form 4: Return of Service.

The form of a return of search warrant shall be substantially as follows:

	RETURN OF SERVICE
State of Iowa County	ss:
I,	, being a peace officer in and for
day of day of day of	County, state of Iowa, certify that the attached search warrant came into day of, 20, and on the, 20, I executed the warrant by making a search of the und the following property: (state kind and quantity)
I have further executed the attached warr taken to No person having been found on the premathe place where the property taken was found. I, the officer by whom the attached warratailed account of the property taken by me	nises, I have left a copy of the inventory and a receipt for the property taken at nd. ant was executed, do certify that the above inventory contains a true and deon the warrant, and is accurate to the best of my knowledge.
FeesServicesMileageCartage	- -
	Peace Officer
Subscribed and sworn to before me this	day of, 20
	Judge, Magistrate, Clerk, or Deputy Clerk of the District Court, or Notary Public

[66 GA, ch 1245(2), §1301; 1984 Iowa Acts, ch 1324, §1; Report February 13, 1986, effective July 1, 1986; August 1, 1997; Report November 20, 1997, effective January 21, 1998; November 9, 2001, effective February 15, 2002]

Rule 2.36 — Form 5: Arrest Warrant on a Complaint.

FORM 5 ARREST WARRANT ON A COMPLAINT

State of Iowa			
County of			
County ofCriminal Case No			
To any peace officer of	f the state:		
	or affirmation having been this day AB		crime (naming it) has been
	orthwith to arrest the said A of my absence or inability to act, be		
Dated at	this	day of	, 20
		C	D
		C	(with official title)
			(with official title)
[66GA, ch 1245(2), §13	301; 67GA, ch 153, §93; Repor	t November 9, 2001, effective	e February 15, 2002]

Rule 2.36 — Form 6: Arrest Warrant After Indictment or Information.

FORM 6 ARREST WARRANT AFTER INDICTMENT OR INFORMATION

State of Iowa	
County of	
Criminal Case No.	
To any peace officer of the state:	
An indictment (information) having been filed in the district court of said , 20, (the day on which the indictment (info crime of (here designate the offense by the number of the statutory provision	rmation) is filed) charging A. B. with the
by a brief general description of it, substantially as in the indictment). You are hereby commanded to arrest the said A. B. and bring such person b Signed this day of	efore said court to answer said indictment
(Seal)	
Cler	k or Judge
By order of the judge of the court. There may be added to the above, "Let the defendant be admitted to bail i subject to other conditions endorsed on the warrant)." If the offense be a misdemeanor, the warrant may be in a similar form, additially to the following effect: "Or, if the said A. B. require it, that you take such the district court in said county, or in the county in which you arrest such person the said indictment," and the clerk may make an endorsement thereon to the admitted to bail in the sum of dollars" (the amount fixed be	ng to the body thereof a direction substant n person before a magistrate or the clerk on, that such person may give bail to answer following effect: "The defendant is to be
[66CA ab 1245(2) \$1201, 67CA ab 152 \$04. Damart Marramahan 0 3	2001 offective Folymore 15 20021

[66GA, ch 1245(2), §1301; 67GA, ch 153, §94; Report November 9, 2001, effective February 15, 2002]

FORM 7 ARREST WARRANT WHEN DEFENDANT FAILS TO APPEAR FOR SENTENCING

State of Iowa			
County of			
Criminal Case No.			
To any peace officer in the	state:		
	, having been duly c		day of
, 20	, in the district court of		County, of the crime of (here state
the name of the offense and t	ne statutory provision).		
You are hereby commanded	d to arrest the said A	B	and bring such person before said
court for judgment.			
Signed this	day of	, 20	_
		Clerk o	r Judge

[66GA, ch 1245(2), §1301; 67GA, ch 153, §95; Report November 9, 2001, effective February 15, 2002]

Rule 2.37 Forms other than warrants. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated. [66GA, ch 1245(2), §1301; 1984 Iowa Acts, ch 1324, §2; Report November 9, 2001, effective February 15, 2002]

FORM 1

Rule 2.37 — Form 1: Bail Bond.

[66GA, ch 1245(2), §1301; 67GA, ch 153, §96; Report November 9, 2001, effective February 15, 2002]

Rule 2.37 — Form 2: Order for Discharge of Defendant Upon Bail.

FORM 2 ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL

State of Iowa				
County of				
Criminal Case No.				
To the sheriff of the County of	of :			
C D	, who is detained by you on commitment (or indictme	ent or convi	iction, as the case may
be) for the offense of (here design	gnate it generally), having given sufficient be			
forthwith to discharge such pers				- •
Dated at	, in the township (town or city) of			, in the County of
, this _	day of		, 20	<u>_</u> .
		K		L
			(with	official title)

[66GA, ch 1245(2), §1301; 67GA, ch 153, §97; Report November 9, 2001, effective February 15, 2002]

Rule 2.37 — Form 3: Order for Discharge of Defendant Upon Bail: Another Form.

FORM 3 ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL: ANOTHER FORM (For endorsement on warrant or order of commitment)

State of Iowa			
County of			
Criminal Case No.			
To the officer (naming the officer and the of	ficer's title, thus A	В_	, Sheriff of
County) having in cus	stody C	D	(name):
The defendant named in the within warrant			ur custody under the authority
thereof for the offense therein designated, have	ving given sufficient bai	il to answer the same	by the undertaking herewith
delivered to you, you are commanded forthwi	th to discharge such pers	son from custody, an	d, without unnecessary delay,
deliver this order, together with the said under	ertaking of bail, to	•	(name and address of the
appropriate district court clerk, or the court o	r magistrate who issued	the warrant).	
Dated at this	da	y of	, 20
			_
		E	F
			(with official title)
			•

[66GA, ch 1245(2), §1301; 67GA, ch 153, §98; Report November 9, 2001, effective February 15, 2002]

Rule 2.37 — Form 4: *Trial Information*.

IN THE IOWA DIS	STRICT COURT FOR		COUNTY
THE STATE OF IOWA,			
vs.		,	LINFORMATION
Defendant.		No	
COMES NOW,	, as Prosecuting Attorney	v of	County, Iowa, and in the name and
COMES NOW,by the authority of the State of Iowa a committed as follow day of, 20	accuses	of the crime of _	on on about the
day of 20	s: The said	and State	of lowe did unlawfully and willfully
in violation of Iowa Code section(s) _		insert	year
			A TRUE INFORMATION
			Prosecuting Attorney

Trial Information (cont	?d)	
Onevidence, if unexplained showing made herein the	at this case should	vidence contained in the within Trial Information and minutes of warrant a conviction by the trial jury, and being satisfied from the be prosecuted by Trial Information the same is
Defendant is released or	n:	
 appearance bonce unsecured 	zance	
		JUDGE OF THE JUDICIAL DISTRICT OF THE STATE OF IOWA
(Court file stamp)		
		vidence relating thereto, is duly filed in the District Court of Iowa day of,
		CLERK OF THE DISTRICT COURT OF IOWA FOR COUNTY
Names of Witnesses		By:
66GA, ch 1245(2), §	1301; 67GA, ch 153, §99;	Report 1978, effective July 1, 1979; amendment 1979;

[66GA, ch 1245(2), §1301; 67GA, ch 153, §99; Report 1978, effective July 1, 1979; amendment 1979; November 9, 2001, effective February 15, 2002]

Rule 2.37 — Form 5: General Indictment Form.

IN THE IOWA DISTRICT COURT FOI	RCOUNTY
STATE OF IOWA, vs. A B Criminal Case No	INDICTMENT
The grand jurors of the county of accuse A and whether felony or misdemeanor) in violation of (here that the said A B and y of, in the county of (here briefly insert any particulars of the offense, such as the same accuse A accuse A and whether felony or misdemeanor) in violation of (here briefly insert any particulars of the offense, such as the same accuse A accuse A accuse A accuse A and whether felony or misdemeanor) in violation of (here that the said A B	B of (here state the offense state by number the statutory section violated) and charge on or about the and State of Iowa, he name of the victim in a criminal homicide case).
	A true bill. /s/ Foreman or forewoman of grand jury
Names of witnesses:	

[66GA, ch 1245(2), §1301; 67GA, ch 153, §100; Report November 9, 2001, effective February 15, 2002]

Rule 2.37 — Form 6: Written Arraignment and Plea of Not Guilty.

IN THE IOWA DISTRICT COURT FOR	COUNTY
THE STATE OF IOWA,	
Plaintiff,	
vs.	WRITTEN ARRAIGNMENT AND PLEA OF NOT GUILTY
Defendant.	No
Comes now the above named defendant in the above capti	ioned criminal case and states:
I am represented by Attorney and telephone number are, ,	, Iowa .
My current mailing and residence addresses and telep	
3. I am years old, having been born on	. I can read and
understand the English language and have completed the follo	owing level of education:
stand that times for further proceedings which are computed fr of filing this written arraignment and plea of not guilty. 5. I have received a copy of the indictment/trial informa in	
(). I have read it, and I have familiarized myself wi	ith its contents.
With regard to the name by which I am charged in the i complete "b"]:	indictment/trial information [either check "a" or check and
[] a. The name shown on the indictment/trial information I am now precluded from objecting to the indictment/trial in:	n is my true name. I have been advised and understand that formation upon the ground I am improperly named.
[] b. The name shown on the indictment/trial informatio	on is not my true name. My true name is . I request that an entry be made in the minutes
showing my true name. I have been advised and understand fu indictment/trial information will be amended accordingly, and be precluded from objecting upon the ground I am improper	urther proceedings will be had against me by that name, the l when the indictment/trial information is so amended I will
7. I have been advised and understand that I may plead	guilty, not guilty, or former conviction or acquittal.
 For the purpose of this arraignment, I have had sufficie and I waive any further time in which to enter a plea. 	ent time to discuss my case with the above named attorney,
9. I plead NOT GUILTY to the charge(s) of	
10. I have been advised and understand that I have a right after indictment/filing of the trial information and [check either indictment]	
[] a. I demand a speedy trial pursuant to Iowa R. Crim	n. P. 2.33(2)(b).
[] h I waive my right to a speedy trial pursuant to Iou	up P. Crim. P. 2.33/2\/h)

Written Arraignment and Plea of Not Guilty (cont'd)

0 4 16: 4				
Oath and Signatur	e			
I,		, have read this Writter	n Arraignment and P	lea of Not
Print your full na	me: first, middle, last			
		-4.4- 41 1 C41 C4-4	of Larris that the infa	tian I
	er penalty of perjury and pursual ritten Arraignment and Plea of N			ппацоп 1
	er penalty of perjury and pursuar ritten Arraignment and Plea of N			20
have provided in this W	1 1 1 1 1			
	1 1 1 1 1	ot Guilty is true and corre	ct.	_, 20
have provided in this W	1 1 1 1 1	ot Guilty is true and corre	Day	_, 20 Year

[Report 1982; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 2.37 — Form 7: Application for Postconviction Relief Form.

	IN THE IOWA DISTRICT COURT FOR	COUNTY
	, Applicant,	Law No. CL
S.		APPLICATION FOR POSTCONVICTION RELIEF PURSUANT TO IOWA CODE CHAPTER 822
IAL	E OF IOWA, Respondent.	
	I.	
	viction or sentence concerning which postconviction of Crime and statute applicant was convicted of violatin	
В.	Criminal Case No.	
C.	District court and judge that entered judgment of con-	viction or sentence:
D.	Date of entry of judgment of conviction or sentence:	
E.	Sentence:	
F.	Place of confinement:	
G.	Plea:	
	Guilty	
	Not Guilty	
H.	Trial:	
	Jury	
	Judge only	
	II.	
Pric	or proceedings:	
	Conviction or sentence was appealed	
	1. to	court
	2. Grounds raised:	
	3. Result:	
	4. Date of result:	
B.		is conviction or sentence in any court, state or federal:
	2. Nature of proceedings:	
	3. Grounds raised:	
	4. Result:	
	5. Date of result:	G-APG-2000 00.

Application for Postconviction Relief Form (cont'd)

III.

Grounds upon which application is based (grounds checked must be fully explained in space	6
A The conviction or sentence was in violation of the Constitution of the United States	or the Constitution or
laws of this state.	
B The court was without jurisdiction to impose sentence.	
C The sentence exceeds the maximum authorized by law. D There exists evidence of material facts, not previously presented and heard, that re-	
D Inere exists evidence of material facts, not previously presented and heard, that reconviction or sentence in the interest of justice.	quires vacation of the
E (1) Applicant's sentence has expired.	
(2) Applicant's probation, parole, or conditional release has been unlawfully revo	oked
(3) Applicant is otherwise unlawfully held in custody or other restraint.	Acc.
F. The conviction or sentence is otherwise subject to collateral attack upon ground(s) of	alleged error formerly
available under any common law, statutory, or other writ, motion, proceeding, or remedy.	uneged error formerly
Specific explanation of grounds and allegation of facts:	
	2
IV.	
w :	
Facts supporting application within personal knowledge of applicant:	
	,
	
V.	
The following documents, exhibits, affidavits, records, or other evidence supporting this appli	cation are attached to
the application (list):	
w 60	
	-
VII.	
VI.	
The following documents, exhibits, affidavits, records, or other evidence supporting this application (list):	ation are not attached
	-
	3.

Application for Postconv	iction Relief Form (cont'd)				
These items are not at	ached for the following reas	on(s):			
		VII.			
Relief desired (state cl	early)				
		VIII.			
desire to have counsel approsts and expenses of rep	licant, am able to pointed to represent me conceresentation and does desire to See Iowa Code §815.9 and 8	rning this application in the counsel app	on. (If applicant in	ndicates in	ability to pay cour
oath and Signature					
Print your full name: f perjury and pursuant to ti pplication is true and corr	he laws of the State of Iowa t		Application, and		under penalty
FF					20
pplicant's Signature*		Month		Day	Year Year
failing address		City		State	ZIP code
hone number	Email address		Additional email	address, if	applicable

DIRECTIONS TO CLERK OF COURT

The clerk of court shall docket this application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general. See Iowa Code §822.3.

[Report 1980; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rules 2.38 to 2.50 Reserved.

SIMPLE MISDEMEANORS

- **Rule 2.51 Scope.** The rules set forth in this section shall apply to trials of simple misdemeanors, and attendant proceedings and to appeals from conviction in such cases. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- Rule 2.52 Applicability of indictable offense rules. Procedures not provided for herein shall be governed by the provisions of the rules or statutes governing indictable offenses which are by their nature applicable to misdemeanor prosecutions.

[66GA, ch 1245(2), §1302; 67GA, ch 153, §81; Report November 9, 2001, effective February 15, 2002]

- **Rule 2.53 To whom tried.** Judicial magistrates and district associate judges may hear, try and determine simple misdemeanors. District judges may transfer any simple misdemeanors pending before them to the nearest judicial magistrate or district associate judge. [66GA, ch 1245(2), §1302; 67GA, ch 153, §82; Report November 9, 2001, effective February 15, 2002]
- **Rule 2.54 The charge.** Prosecutions for simple misdemeanors must be commenced by filing a subscribed and sworn to complaint with a magistrate or district court clerk or the clerk's deputy. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- Rule 2.55 Contents of the complaint. The complaint shall contain:
 - **2.55(1)** The name of the county and of the court where the complaint is filed.
- **2.55(2)** The names of the parties, if the defendants be known, and if not, then such names as may be given them by the complainant.
- **2.55(3)** A concise statement of the act or acts constituting the offense, including the time and place of its commission as near as may be, and identifying by number the provision of law alleged to be violated.
- **2.55(4)** The provisions of rule 2.6(5) shall be applicable to the prosecution before a magistrate of cases within the magistrate's jurisdiction. [66GA, ch 1245(2), §1302; 67GA, ch 153, §83; Report November 9, 2001, effective February 15, 2002]
- **Rule 2.56 Filing of complaint.** The magistrate or district court clerk or the clerk's deputy must file the complaint and mark thereon the time of filing the same. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- Rule 2.57 Arrest warrant. Immediately upon filing the complaint, the magistrate or district court clerk or the clerk's deputy may issue an arrest warrant or may issue a citation instead of an arrest warrant and deliver it to a peace officer.
- [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- **Rule 2.58 Arrest.** The officer who receives the warrant shall arrest the defendant and bring the defendant before the magistrate without unnecessary delay or serve the citation in the manner provided in Iowa Code chapter 804.

[66GA, ch 1245(2), §1302; 67GA, ch 153, §84; Report November 9, 2001, effective February 15, 2002]

- **Rule 2.59 Prosecution of corporations.** In prosecutions against corporations the corporation may be proceeded against by summons as set forth in Iowa Code chapter 807. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- Rule 2.60 Appearance of defendant. Upon initial appearance, the charge against the defendant must be distinctly read to the defendant, and a copy given to the defendant, and the defendant shall be asked whether the defendant is charged under the defendant's correct name. If the defendant objects to being wrongly named in the complaint, the defendant must give the correct name, and if the defendant refuses to do so, or does not object to being wrongly named, the magistrate shall make an entry thereof in the docket, and the defendant is thereafter precluded from making any such objection. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]

Rule 2.61 Rights of defendant.

- **2.61(1)** The court shall inform the defendant:
- a. Of the defendant's right to counsel.
- b. Of the circumstances under which the defendant might secure pretrial release, and of the defendant's right to review any conditions imposed on the defendant's release.
- c. That the defendant is not required to make a statement and that if the defendant does, it may be used against the defendant.
- **2.61(2)** In cases where the defendant faces the possibility of imprisonment, the court shall appoint counsel for an indigent defendant in accordance with procedures established under rule 2.2(3). The magistrate shall allow the defendant reasonable time and opportunity to consult with counsel, in the event the defendant expresses a desire to do so.

[66GA, ch 1245(2), §1302; 67GA, ch 153, §85; Report November 9, 2001, effective February 15, 2002]

Rule 2.62 Bail. Admission to bail shall be as provided for in Iowa Code chapter 811. Upon proper application, a district court judge or district associate judge is authorized to review and amend the conditions of bail previously imposed. There shall be no more than one review except upon changed conditions.

[66GA, ch 1245(2), §1302; Report December 28, 1989, effective April 2, 1990; November 9, 2001, effective February 15, 2002]

- **Rule 2.63 Plea.** The defendant shall be required to enter a plea to the complaint, and permissible pleas include those allowed when the defendant is indicted, as set forth in rule 2.8. [66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]
- Rule 2.64 Trial date. Upon a plea other than guilty the magistrate shall set a trial date which shall be at least 15 days after the plea is entered. The magistrate shall notify the prosecuting attorney of the trial date and shall advise the defendant that the trial will be without a jury unless demand for jury trial is made no later than ten days following the plea of not guilty. Failure to make a jury demand in the manner prescribed herein constitutes a waiver of jury. If demand is made, the action shall be tried by a jury of six members. Upon the request of the defendant, the magistrate may set the date of trial at a time less than 15 days after a plea other than guilty is entered. The magistrate shall notify the defendant that a request for earlier trial date shall constitute a waiver of jury.

 [66GA, ch 1245(2), §1302; Report December 28, 1989, effective April 2, 1990; November 9, 2001, effective

Rule 2.65 Change of venue. A change of venue may be applied for and accomplished in either of the manners prescribed in rule 2.11(10).

[66GA, ch 1245(2), §1302; 82 Acts, ch 1021, §6, effective July 1, 1983; Report November 9, 2001, effective February 15, 2002]

See also rule 22.9

February 15, 2002]

Rule 2.66 Bailiff obtained. If trial by jury is demanded and a court attendant employed under Iowa Code section 602.6601 is not available to assist the magistrate, the magistrate shall notify the sheriff who shall furnish a bailiff at that time and place to act as officer of the court.

[66GA, ch 1245(2), §1302; 1983 Iowa Acts, ch 186, §10148; Report November 9, 2001, effective February 15, 2002]

Rule 2.67 Selection of jury; trial.

- **2.67(1)** Selection of panel. If a trial by jury is demanded, the magistrate shall notify the clerk of the district court of the time and place of trial. The clerk shall thereupon select by lot 14 names from the district court jury panel. The clerk shall notify these jurors of the time and place for trial.
- **2.67(2)** Challenges. Except where inconsistent with this rule, rule 2.18 shall apply, but no challenge to the panel is allowed.
- **2.67(3)** Completion of panel. If for any reason the panel as chosen by the clerk becomes insufficient to obtain a jury, the magistrate may direct the officer of the court to summon any bystander or others who may be competent, and against whom no sufficient cause of challenge appears, to act as jurors.

- **2.67(4)** *Strikes*. If, after all challenges and strikes as noted in rule 2.18 have been exercised, the remaining jurors number more than six, the parties, commencing with the defendant, shall continue to strike jurors in order until the panel is reduced to six jurors.
 - **2.67(5)** Alternate jurors. No alternate jurors shall be chosen.
 - **2.67(6)** Jury of six. When six jurors appear and are accepted, they shall constitute the jury.
- **2.67(7)** Oath of jurors. The magistrate must thereupon administer to them the following oath or affirmation: "You do swear (or, you do solemnly affirm, as the case may be) that you will well and truly try the issue between the state of Iowa and the defendant, and a true verdict give according to the law and evidence."
- **2.67(8)** *Trial.* The court shall conduct the trial in the manner of indictable cases in accordance with rule 2.19.
- **2.67(9)** Record. The proceedings upon trial shall not be reported, unless a party provides a reporter at such party's expense. The magistrate may cause the proceedings upon trial to be reported electronically. If the proceedings are being electronically recorded both parties shall be notified in advance of that recording. If the defendant is indigent and requests that the proceedings upon trial be reported, the judicial magistrate shall cause them to be reported by a reporter, or electronically, at public expense. If the proceedings are not reported electronically, the judicial magistrate shall make minutes of the testimony of each witness and append the exhibits or copies thereof. If the proceedings have been reported electronically the recording shall be retained under the jurisdiction of the magistrate and upon request shall be transcribed only by a person designated by the court under the supervision of the magistrate. The transcription shall be provided anyone requesting it upon payment of actual cost of transcription or to an indigent defendant as herein above provided. [66GA, ch 1245(2), §1302; 67GA, ch 153, §86; 1987 Iowa Acts, ch 25, §1; Report November 9, 2001, effective February 15, 2002]
- **Rule 2.68 Judgment.** When the defendant is acquitted, the defendant must be immediately discharged. When the defendant pleads guilty or is convicted, the magistrate may render judgment thereon as the case may require, being governed by the rules prescribed for the trial of indictable offenses, as far as the same are applicable.

If the judgment and costs are not fully and immediately satisfied, the magistrate shall indicate on the judgment the portion unsatisfied and shall promptly certify a copy of the judgment to the clerk of the district court. The clerk shall index and file the judgment, whereupon it is a judgment of the district court.

[66GA, ch 1245(2), §1302; 1983 Iowa Acts, ch 186, §10149; Report November 9, 2001, effective February 15, 2002]

Rule 2.69 Costs taxed to prosecuting witness. If the prosecuting witness fails without good cause to appear or give evidence on the trial, and defendant is discharged on account of such failure, the magistrate may, in the magistrate's discretion, tax the costs of the proceeding against such prosecuting witness and render judgment therefor; and if defendant is acquitted, the magistrate shall, if satisfied that the prosecution is malicious or without probable cause, so tax the costs and render judgment therefor.

[66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002]

Rule 2.70 Suppression of evidence and disposition of seized property. Motions to suppress evidence shall proceed in the manner provided for the trial of indictable offenses, and any property seized dealt with in the manner provided in indictable offenses.

[66GA, ch 1245(2), §1302; Report November 9, 2001, effective February 15, 2002] See also rule 2.12

Rule 2.71 Joint trials. Two or more complaints against one defendant may be tried jointly. Two or more defendants who are alleged to have participated in the same transaction or occurrence or series of transactions or occurrences from which the offense or offenses charged arose may be tried jointly whether the defendants are charged in one or more complaints. Jointly tried complaints or defendants shall be adjudged separately. Complaints or defendants shall not be jointly tried as to a party if the court finds, in its discretion, that prejudice would result to the party.

[66GA, ch 1245(2), §1302; amendment 1982; Report November 9, 2001, effective February 15, 2002]

Rule 2.72 Forfeiture of collateral in lieu of appearance. In a specified simple misdemeanor other than one charged upon a uniform citation and complaint a court may accept a forfeiture of collateral security in lieu of appearance, as a proper disposition of a case. Each judicial district, by action of a majority of the district judges, may determine the misdemeanors subject to such disposition and promulgate by rule a list of same and disseminate to all magistrates in the district. A copy of such rule shall be transmitted to the clerk of the supreme court. Prior to termination of the case by forfeiture under this rule, the defendant must execute a written request for same. Unless vacated upon application within 30 days of the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

In the event a simple misdemeanor is charged upon the uniform citation and complaint defined in Iowa Code section 805.6, and the defendant either has submitted unsecured appearance bond as provided in that section or has submitted bail as provided in Iowa Code section 805.9, subsection 3, the court or the clerk of the district court may enter a conviction pursuant to the defendant's written appearance and may enter a judgment of forfeiture of the collateral in satisfaction of the judgment and sentence; provided that if the defendant submitted unsecured appearance bond or if bail remains uncollected, execution may issue upon the judgment of the court at any time after entry of the judgment.

[66GA, ch 1245(2), §1302; 67GA, ch 147, §54; Report November 9, 2001, effective February 15, 2002]

Rule 2.73 Appeals.

2.73(1) *Notice of appeal.* An appeal may be taken by the plaintiff only upon a finding of invalidity of an ordinance or statute. In all other cases, an appeal may only be taken by the defendant and only upon a judgment of conviction. Execution of the judgment shall be stayed upon filing with the clerk of the district court an appeal bond with surety approved by the clerk, in the sum specified in the judgment. A party takes an appeal by giving notice orally to the magistrate at the time judgment is rendered that the party appeals or by filing with the clerk of the district court not later than ten days after judgment is rendered a written notice of appeal. When an oral notice of an appeal is given to the magistrate, the magistrate must make an entry on the docket of the giving of such notice. Payment of fine or service of a sentence of imprisonment does not waive the right to appeal, nor render the appeal moot.

2.73(2) *Record.* When an appeal is taken, the magistrate shall promptly forward to the appropriate district court clerk a copy of the magistrate's docket entries, together with copies of the complaint, warrant, motions, pleadings, the magistrate's minutes of the witnesses' testimony, the exhibits or the originals thereof, and the other papers in the case. Within ten days after an appeal is taken, unless extended by order of a district judge or district associate judge, any party may file with the clerk, as a part of the record, a transcript of the official report, if any, and, in the event the report was made electronically, the tape or other medium on which the proceedings were preserved.

2.73(3) Procedure if appeal from magistrate. If the original action was tried by a district judge, district associate judge, or judicial magistrate, the appellant shall file and serve, within 14 days after taking the appeal, a brief in support of the appeal. The brief shall include statements of the specific issues presented for review and the precise relief requested. The appellee may file and serve, within ten days after service of the appellant's brief, a responding brief. Either party may request, at the end of the party's brief, permission to be heard in oral argument. Within 30 days after the filing, or expiration of time for filing, of the appellee's brief, the appeal shall be submitted to the court on the record and any briefs without oral argument, unless otherwise ordered by the court or its designee. If the court, on its own motion or motion of a party, finds the record to be inadequate, it may order the presentation of further evidence. If the original action was tried by a district judge, the appeal shall be decided by a different district judge. If the original action was tried by a district associate judge, the appeal shall be decided by a district judge or a different district associate judge. If the original action was tried by a judicial magistrate, the appeal shall be decided by a district judge or district associate judge. Findings of fact in the original action shall be binding on the judge deciding the appeal if they are supported by substantial evidence. The judge deciding the appeal may affirm, or reverse and enter judgment as if the case were being originally tried, or enter any judgment which is just under the circumstances.

2.73(4) Bail.

a. Admission to bail. Admission to bail shall be as provided in Iowa Code chapter 811. Execution of the judgment shall not be stayed unless the defendant is admitted to bail.

- b. Officers authorized to take bail. Bail may be taken by the magistrate who rendered the judgment or by any magistrate of that county. The magistrate taking bail shall remit it to the clerk of the district court who shall give receipt therefor.
 - **2.73(5)** *Counsel.* In appropriate cases, the magistrate shall appoint counsel on appeal.
- 2.73(6) Review by supreme court. After the decision on appeal the defendant may apply for discretionary review pursuant to Iowa Code section 814.6(2)(d), and the plaintiff may apply for discretionary review pursuant to Iowa Code section 814.5(2)(d). Procedure on discretionary review shall be as prescribed in Iowa R. App. P. 6.106.

[66GA, ch 1245(2), §1302; 67GA, ch 153, §87, 88; amendment 1979; 68GA, ch 1022, §22, effective January 1, 1981; amendment 1982; Report May 7, 1986, effective July 15, 1986; 1987 Iowa Acts, ch 25, §2, 3; Report June 29, 2001, effective September 10, 2001; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 2.74 New trial. The magistrate, on motion of a defendant, may grant a new trial pursuant to the grounds set forth in rule 2.24, except that a motion for a new trial based on newly discovered evidence must be made within six months after the final judgment. A motion for a new trial based on any other grounds shall be made within seven days after a finding of guilty or within such further time as the court may fix during the seven-day period.

[66GA, ch 1245(2), §1302; 67GA, ch 153, §89; Report November 9, 2001, effective February 15, 2002]

Rule 2.75 Correction or reduction of sentence. The magistrate may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner within the time provided herein for the reduction of sentence. The magistrate may reduce a sentence within ten days after the sentence is imposed or within ten days after the receipt by the magistrate of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within ten days after entry of any order or judgment of the appellate court denying review of, or having the effect of upholding, a judgment of conviction. The court may also reduce a sentence upon revocation of probation as provided by law. [66GA, ch 1245(2), §1302; 67GA, ch 153, §90; Report November 9, 2001, effective February 15, 2002]

Rule 2.76 Forms Rule 2.76 — Form 1: *Complaint.*

State of Iowa		Before (Ju	dge, Magistrate)	
County of				
Criminal Case	No			
State of Iowa				
vs.				
4	В	, Defendant.		
		f the crime of (here name the offense day of		<i>y-</i>
	city, or townsh	nip where the offense occurred), in _		County, did (state the acts or
		/s/		

[66GA, ch 1245(2), §1302; 67GA, ch 153, §102; Report November 9, 2001, effective February 15, 2002]

Rule 2.76 — Form 2: Consent to Forfeiture of Collateral as Disposition of Misdemeanor.

State of Iowa	
County of	
Criminal Case No.	
I, the undersigned, agree to have the amount of \$this with the following understanding:	forfeited as a fine and my case terminated. I de
1. I have been charged with the offense of	(here name the offense and Code or ordinance
	ial before the court on such charge, and voluntarily waive same terminates my right to a trial and constitutes a conviction of the
	(Signature of defendant)
[66GA, ch 1245(2), §1302; 67GA, ch 153, §103;]	Report November 9, 2001, effective February 15, 2002]

Rule 2.76 — Form 3: Notice of Appeal to a District Court Judge From a Judgment or Order.

State of Iowa	
County of	
Criminal Case No.	
State of Iowa	
vs.	Notice of Appeal
C, Defendar	•••
Notice is hereby given that C	
district court judge for	
action on the day of	, 20
	/s/
	(Address)
	(Add 635)
	Attorney for C D

[66GA, ch 1245(2), §1302; 67GA, ch 153, §104; Report November 9, 2001, effective February 15, 2002]

Rule 2.76 — Form 4: Bail Bond on Appeal to District Court.

State of Iowa				
County of				
County of Criminal Case No	0			
A said county, of t	B crime of (her	having been convicted before designate it generally as i	fore C D D n the information), by a j	a magistrate o
district court judg	ge of said county:	, A.D	, and having appeale	d from said judgment to
	-	, and E will appear in the district cour	F, herel	by undertake that the said
taking), and subn	(month), 20 nit to the judgmen	(year), (which date shall tof said court, and not depart wa the sum of	be not more than 20 days aft without leave of the same,	er perfection of the under or that we (or I, as the case
		Α	В	
		E	F	
Accepted by n	ne, at, A.D	, in the township of	, this _	day of
		C	D cial Magistrate	

[66GA, ch 1245(2), §1302; 67GA, ch 153, §105; Report November 9, 2001, effective February 15, 2002]

CHAPTER 3 STANDARD FORMS OF PLEADINGS FOR SMALL CLAIMS ACTIONS

Form 3.1 Form 3.2 Form 3.3	Original Notice and Petition for a Money Judgment Original Notice and Petition for a Money Judgment for Taxes Owing Original Notice and Petition for a Money Judgment against a Nonresident Motor Vehicle Owner or Operator Defendant
Form 3.4	Original Notice and Petition for a Money Judgment against a Nonresident Defendant or a Foreign Corporation Defendant
Form 3.5	Original Notice and Petition for Replevin
Form 3.6	Original Notice and Petition for Forcible Entry and Detainer
Form 3.7	Original Notice and Petition against Third Party Defendant(s)
Form 3.8	Original Notice and Petition for Disposition of Abandoned Property
Form 3.9	Original Notice and Petition for Intervention
Form 3.10	Reserved
Form 3.11	Appearance and Answer of Defendant(s)
Form 3.12	Appearance and Answer of Third Party Defendant(s)
Form 3.13	Counterclaim against Plaintiff(s)
Form 3.14	Cross-Claim against a Co-Defendant
Form 3.15	Reserved
Form 3.16	Affidavit of Default
Form 3.17	Application to Condemn Funds
Form 3.18	Dismissal
Form 3.19	Notice of Garnishment
Form 3.20	Motion to Quash Garnishment and Request for Hearing
Form 3.21	Affidavit of Property Exempt from Execution
Form 3.22	Application for Release and Satisfaction of Judgment
Form 3.23	Release and Satisfaction of Judgment
Form 3.24	Reserved
Form 3.25	Request for General Execution (Praecipe)
Form 3.26	Notice of Appeal
Form 3.27	Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service

CHAPTER 3 STANDARD FORMS OF PLEADINGS FOR SMALL CLAIMS ACTIONS [Pursuant to Iowa Code section 631.15]

Form 3.1: Original Notice and Petition for a Money Judgment.

In the Iowa District Court fo	rCounty
Plaintiff(s)	
(Name)	Original Notice and Petition
(Address)	for a Money Judgment
(Name)	
(Address)	
Defendant(s)	
(Name)	
(Address)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons
(Name)	who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide
(Address)	legal advice.
Γο Defendant(s):	
You are notified that Plaintiff(s) demand(s) from y costs based on (state briefly the basis for the demand	

- 2. **Judgment may be entered against you unless** you file an Appearance and Answer within **20 days** of the service of the Original Notice upon you. Judgment may include the amount requested plus interest and court costs.
- 3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless you obtain from the court an exemption from electronic filing requirements.
- 4. If your Appearance and Answer is filed within **20 days** and you deny the claim, you will receive electronic notification through EDMS of the place and time of the hearing on this matter.
- 5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 6. You must also notify the clerk's office of any address change.

Continued on next page

Original Notice and Petition for a Money Judgment (cont'd)	
/s/	/s/
Filing Plaintiff or Attorney	Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

 $Small \ Claims \ Form \ 3.1, page \ 2 \ of \ 3^* \\ \ ^*Upon \ electronic \ filing, \ a \ clerk's \ signature \ page \ will \ be \ attached \ to \ this \ document \ as \ page \ 3.$

[Court Order December 11, 1975, received for publication February 28, 1984; June 29, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.2: Original Notice and Petition for a Money Judgment for Taxes Owing.

In the lov	wa District Court for	County
Plaintiff		Original Notice and Petition for a
(Name)	2	Money Judgment for Taxes Owing (lowa Code sections 631.1(7) and 445.3)
(Address) VS.		
Defendant(s)		
(Name)		
(Address)	C	f you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons
(Name)	1	who are hearing or speech impaired may call Relay lowa TTY 1-800-735-2942). Disability coordinators cannot provide egal advice.
(Address)	- 38	10000
Γο Defendant(s):		
1. You are notified that Plainti		County Treasurer, demands from you the
amount of \$	_ for taxes due and owin	ng based on the following:

- 2. **Judgment may be entered against you unless** you file an Appearance and Answer within **20 days** of the service of the Original Notice upon you. Judgment may include the amount requested plus interest and court costs.
- 3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless you obtain from the court an exemption from electronic filing requirements.
- 4. If your Appearance and Answer is filed within 20 days, and you deny the claim, you will receive electronic notification through EDMS of the place and time of the hearing on this matter.
- 5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 6. You must also notify the clerk's office of any address change.

/s/	
Filing Plaintiff Treasurer or Designee	-
Law firm, or entity for which filing is made, if applica	ble
Mailing address	X
Phone number	
Email address	
Additional email address, if applicable	

Small Claims Form 3.2, page 1 of 2* *Upon electronic filling, a clerk's signature page will be attached to this document as page 2.

[Court Order May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.3: Original Notice and Petition for Money Judgment against a Nonresident Motor Vehicle Owner or Operator Defendant.

In the Iowa District Court for	rCounty	
Plaintiff(s)	Original Notice and Petition for a	
(Name)	Money Judgment against a Nonresident Motor Vehicle Owner or Operator Defendant	
(Address)		
(Name)		
(Address)		
Defendant(s)		
(Name)		
(Address)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons	
(Name)	who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide	
(Address)	legal advice.	
Γο Defendant(s):		
You are notified that Plaintiff(s) demand(s) from your costs based on (state briefly the basis for the demand,		

- 2. Judgment may be entered against you unless you file an Appearance and Answer within 60 days of the filing of this Original Notice with the Director of the Iowa Department of Transportation. Judgment may include the amount requested plus interest and court costs.
- 3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless you obtain from the court an exemption from electronic filing requirements.
- 4. If your Appearance and Answer is filed within **60 days** and you deny the claim, you will receive electronic notification through EDMS of the time and place for the hearing on this matter.
- 5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 6. You must also notify the clerk's office of any address change.

Continued on next page

Original Notice and Petition for Money Judgment against a Nonresident Motor Vehicle Owner or Operator Defendant (cont'd)

/s/	/s/
Filing Plaintiff or Attorney	Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

 $Small \ Claims \ Form \ 3.3, page \ 2 \ of \ 3^* \\ \hbox{*Upon electronic filing, a clerk's signature page will be attached to this document as page \ 3.}$

[Report September 29, 1987, effective December 1, 1987; November 9, 2001, effective February 15, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.4: Original Notice and Petition for a Money Judgment against a Nonresident Defendant or a Foreign Corporation Defendant.

otice and Petition for a Judgment against a t Defendant or a Foreign oration Defendant
t Defendant or a Foreign
ce to participate in court due to a ability coordinator (information at
https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

- 2. Judgment may be entered against you unless you file an Appearance and Answer as follows:
 - If you received service of this Original Notice by mail along with service upon the Secretary of State, you must file your Appearance and Answer within 60 days of the filing of the Original Notice with the Secretary of State.
 - If you received service of this Original Notice in a manner other than by mail, you must file your Appearance and Answer within 60 days after the date you received the Original Notice.
- 3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless you obtain from the court an exemption from electronic filing requirements.
- 4. If your Appearance and Answer is timely filed and you deny the claim, you will receive electronic notification through EDMS of the time and place for the hearing on this matter.
- 5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 6. You must also notify the clerk's office of any address change.

Continued on next page

Small Claims Form 3.4, page 1 of 3*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

Original Notice and Petition for a Money Judgment against a Nonresident Defendant or a Foreign Corporation Defendant (cont'd)

/s/_	/s/
Filing Plaintiff or Attorney	Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Small Claims Form 3.4, page 2 of 3*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

[Report September 29, 1987, effective December 1, 1987; November 9, 2001, effective February 15, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.5: Original Notice and Petition for Replevin.

		In the Iowa District Court fo	r County
P	Plaintiff(s)		Original Notice and
1)	Na <mark>m</mark> e)	-	Petition for Replevin (lowa Code chapter 643)
(/	Address)	9.	According to the contract of t
1)	Name)		
(/	Address)		
D	efendan	vs.	
(1)	Name)		
(/	Address)		If you need assistance to participate in court due to a
(1)	Name)	-	disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay Iowa TTY
(/	Address)	#	(1-800-735-2942). Disability coordinators cannot provide legal advice.
2	Theresis	-fat-	
		ue of the property described is (value may r	section in the construction of the contract of
٥.	The relic	ef requested includes (check all that apply). Plaintiff(s) ask(s) for possession of the pr	
		Plaintiff(s) ask(s) for damages for unlawfu	
	Ŧ	Plaintiff(s) ask(s) for damages for any da	
	百	Plaintiff(s) ask(s) for damages for:	mage to the property.
		(If asking for money damages, total amount in	cluding value of property cannot exceed \$6500.)
4.	Plaintiff	(s) claim(s) immediate possession because	e (check only one):
		Plaintiff(s) own(s) the property.	
		Plaintiff(s) has (have) a security agreement is i. A copy of the security agreement is ii. The agreement shows that Plaintiff iii. Defendant(s) are in default because	s attached. (s) is(are) entitled to seize possession on default.
		Other:	

Small Claims Form 3.5, page 1 of 3*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

Original Notice and Petition for Replevin (cont'd)

The property (check only one):	
Is not in the possession of Defendant	(s) pursuant to court order or judgment; or
	urt order or judgment, but the property is exempt from
seizure because:	
	ss you file an Appearance and Answer within 20 days dgment may include the amount requested plus interest
	d Answer using the Iowa Judicial Branch Electronic //www.iowacourts.state.ia.us/EFile, unless you obtain requirements.
8. If your Appearance and Answer is filed within 2 electronic notification through EDMS of the time a	
	y of the Appearance and Answer on Plaintiff(s) or on onic Filing will indicate if Plaintiff(s) is (are) exempt from ur Appearance and Answer to Plaintiff(s).
10. You must also notify the clerk's office of any a	address change.
I (We) certify under penalty of perjury and pursuar true and correct.	nt to the laws of the State of lowa that the preceding is
Date:	Date:
Plaintiff's signature	Plaintiff's signature
/s/	/s/
Filing Plaintiff or Attorney	Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address if applicable

 $Small \ Claims \ Form \ 3.5, page \ 2 \ of \ 3^* \\ \ ^*Upon \ electronic \ filing, \ a \ clerk's \ signature \ page \ will be \ attached \ to \ this \ document \ as \ page \ 3.$

[Report March 10, 1987, effective July 1, 1987; Court Order November 25, 1998; November 9, 2001, effective February 15, 2002; June 14, 2002, effective July 1, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.6: Original Notice and Petition for Forcible Entry and Detainer.

In the Iowa District Court for	r County
Plaintiff(s)	Original Notice and Petition
(Name)	for Forcible Entry and Detainer (lowa Code chapter 648)
(Address)	
(Name)	
(Address) VS.	
Defendant(s)	
(Name)	
(Address)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at
(Name)	https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide
(Address)	legal advice.
 Hearing is set for the date, time, and court location Petition. The court will electronically record the hearing reporter report the hearing, that party must arrange and at the hearing may result in judgment entered againg court costs. 	g. If either party desires that a certified court d pay for the costs of reporting. Failure to appear
Plaintiff(s): The court shall set the date of hearing to Original Notice unless you check the box below:	occur within 8 days from the filing date of the
Plaintiff(s) request(s) or consent(s) to the court days from the filing of the Original Notice.	setting the date of hearing to occur no later than 15
/s/	/s/
Filing Plaintiff or Attorney	/s/ Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable Small Claims Form *Upon electronic filing, a clerk's signature page	Additional email address, if applicable 3.6, page 1 of 2* will be attached to this document as page 2.

[Court Order December 11, 1975, received for publication February 28, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.7: Original Notice and Petition against Third Party Defendant(s).

In the Iowa District Court for	County
Plaintiff(s)	Original Notice and Petition
Name)	against Third Party Defendant(s)
Address)	
Name)	
Address) Vs. Defendant(s)/Third Party Plaintiff(s)	
vs. Deteriorin(s)/Timo Farty Flamin(s)	
Name)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at
Address)	https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay lowa
Name)	TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.
Address)	
vs. Third Party Defendant(s)	
Name)	(Name)
Address)	(Address)
Third Party Defendant(s),	9
(Name(s) of Third Party De	
You are notified that.	, as

- Judgment may be entered against you unless you file an Appearance and Answer within 20 days
 of the service of the Original Notice upon you. Judgment may include the amount requested plus interest
 and court costs.
- 3. You must electronically file the Appearance and Answer using the lowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless you obtain from the court an exemption from electronic filing requirements.
- 4. If your Appearance and Answer is filed within **20 days** and you deny this Third Party Petition, you will receive electronic notification through EDMS of the time and place for the hearing on this matter.
- 5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 6. You must also notify the clerk's office of any address change.

Continued on next page

Small Claims Form 3.7, page 1 of 3*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

Original Notice and Petition against Third Party Defendant(s) (cont'd)

/s/	/s/
Filing Third Party or Attorney	Second Third Party, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

 $Small \ Claims \ Form \ 3.7, page \ 2 \ of \ 3^* \\ \hbox{*Upon electronic filing, a clerk's signature page will be attached to this document as page \ 3.}$

[Court Order December 11, 1975, received for publication February 28, 1984; June 29, 1984; Letter May 12, 1987 (obsolete reference to "town" stricken); November 9, 2001, effective February 15, 2002; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.8: Original Notice and Petition for Disposition of Abandoned Property.

Small Claims Form 3.8: Original Notice and Petition for Disposition of Abandoned Property

Ch 3, p.13

In the Iowa District Court for	County
Plaintiff(s)	Original Notice and Petition for
(Name)	Disposition of Abandoned Property
(Address)	(Iowa Code chapter 555B) (Mobile Home and Personal Property in the Vicinity)
(Name)	
(Address)	
Defendant(s)	
(Name)	
(Address)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at
(Name)	https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide
(Address)	legal advice.
555B.2;The property is located in the above county; a	the sheriff as provided for in Iowa Code section nd n a tax lien pursuant to Iowa Code chapter 435.
3. Hearing is set for the date, time, and court location Petition. The court will electronically record the hearing report the hearing must arrange and pay for the costs may result in judgment entered against you for statche property will be disposed of as abandoned pro	g. Any party desiring that a certified court reporter of reporting. Failure to appear at the hearing stutory damages, interest, and court costs, and operty.
Note : Service must be made on the owner of the prophearing must be set within 14 days of filing the Petition	
's [/]	/s/
Filing Plaintiff or Attorney	/s/ Second Plaintiff, if necessary
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address

Small Claims Form 3.8, page 1 of 2*

*Upon electronic filing, a clerk's signature page will be attached to this document as page 2.

Additional email address, if applicable

[Court Order May 7, 2012; June 26, 2018, effective July 1, 2018]

Additional email address, if applicable

Form 3.9: Original Notice and Petition for Intervention.

In the Iowa District Court for	County
Plaintiff(s)	
(Name)	Original Notice and Petition for Intervention
(Address)	
(Name)	
(Address)	
Defendant(s)	
(Name)	
(Address)	W
(Name)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons
(Address)	who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.
To Plaintiff(s) and Defendant(s):	
1. I (We),	, being interested in the subject
matter of this case seek to intervene in the following ma	anner:

2. This Petition for Intervention is based on (state briefly the basis for the demand):

Continued on next page

Original Notice and Petition for Intervention (cont'd)

Additional email address, if applicable

/s/	/s/
Filing Intervenor or Attorney	Second Intervenor, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address

Small Claims Form 3.9, page 2 of 3*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

Additional email address, if applicable

Form 3.10 Reserved.

Form 3.11: Appearance and Answer of Defendant(s).

Small Claims Form 3.11: Appearance and Answer of Defendant(s)

In the Iowa District Court for	County
Plaintiff(s)	Appearance and Answer
(Name)	of Defendant(s)
	Small Claim No.
(Name)	
VS.	
Defendant(s)	
8 22	If you need assistance to participate in court due to a disability, call the disability coordinator (information at
(Name)	https://www.iowacourts.gov/for-the-public/ada/). Persons who
(NISSAN)	are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide
(Name)	legal advice.
Check only one of the following:	
The claim is denied. Parties will receive ele through the lowa Judicial Branch Electronic Doo	ectronic notification of the hearing time and place cument Management System (EDMS).
The claim is admitted. Judgment may be enter	ered.
	of \$ Parties will receive electronic agh the Iowa Judicial Branch Electronic Document
You must electronically file this Appearance and Ans	swer using EDMS at
https://www.iowacourts.state.ia.us/EFile unless you obta	
filing requirements.	
 If you electronically file, EDMS will serve a copy of the attorney(s) for Plaintiff(s). The Notice of Electronic I from electronic filing, and if you must mail a copy of you 	Filing will indicate if Plaintiff(s) is (are) exempt
3. You may download this form online at https://iowacc	ourts.state.ia.us/Efile. Unless the court has granted
you an exemption from electronic filing, you must scan	
form, or fill out and electronically file the online form, in a	accordance with Chapter 16 Rules Pertaining to the
Use of the Electronic Document Management System.	
/s/	/s/
Filing Defendant or Attorney	Second Defendant, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Form 3.12: Appearance and Answer of Third Party Defendant(s).

In the Iowa District Court for	County
Plaintiff(s) (Name)	Appearance and Answer of Third Party Defendant(s)
()	ACTION AND ADMINISTRATION OF THE ACTION AND ADMINISTRATION
(Name)	Small Claim No
vs. Defendant(s)/Third Party Plaintiff(s)	
(Name)	
(Name)	
Third Party Defendant(s) vs.	
(Name)	
(Address)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at
(Name)	https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay lowa TTY (1-
(Address)	800-735-2942). Disability coordinators cannot provide legal advice.
Check only one of the following:	*** ***
	tronic notification through the Iowa Judicial Branch
☐ The claim is admitted. Judgment may be enter	ered.
The claim is admitted in part in the amount of notification through the lowa Judicial Branch El of the hearing time and place.	of \$ Parties will receive electronic ectronic Document Management System (EDMS)

- 1. You must electronically file this Appearance and Answer using EDMS at https://www.iowacourts.state.ia.us/EFile unless you obtain from the court an exemption from electronic filing requirements.
- 2. If you electronically file, EDMS will serve a copy of this Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).
- 3. You may download this form online at https://iowacourts.state.ia.us/Efile. Unless the court has granted you an exemption from electronic filing, you must scan and electronically file this Answer and Appearance form, or fill out and electronically file the online form, in accordance with Chapter 16 Rules Pertaining to the Use of the Electronic Document Management System.

Continued on next page

Small Claims Form 3.12, page 1 of 2

Appearance and Answer of Third Party Defendant(s) (cont'd)

/s/	/s/
Filing Third Party or Attorney	Second Third Party, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address if applicable	Additional email address if annicable

Small Claims Form 3.12, page 2 of 2

Form 3.13: Counterclaim against Plaintiff(s).

In the Iowa District Cou	rt for County
Plaintiff(s)	Counterclaim against Plaintiff(s)
(Name)	Small Claim No
(Name)	
Defendant(s)	
(Name)	If you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons who are hearing or speech impaired may call Relay Iowa TT
(Name)	 (1-800-735-2942). Disability coordinators cannot provide legal advice.
To Plaintiff(s):	
Defendant(s) must electronically file this origin Judicial Branch Electronic Document Managemer	al Counterclaim with the clerk of court using the lowant System (EDMS) at
https://www.iowacourts.state.ia.us/EFile, unless th	ne court has granted Defendant(s) an exemption from
electronic filing requirements.	
	n Plaintiff(s) or on the attorney(s) for Plaintiff(s). If se clerk of court will provide a copy to Plaintiff(s) or
/s/	/s/
Filing Defendant or Attorney	Second Defendant, if applicable
Law firm,or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Form 3.14: Cross-Claim against a Co-Defendant.

In the Iowa District Court f	or County
Plaintiff(s)	Cross-Claim against a Co-Defendant
(Name)	Small Claim No
(Name) vs. Defendant(s)	
(Name)	If you need assistance to participate in court due to a disability, cothe disability coordinator (information at https://www.iowacourts.gov/for-the-public/ada/). Persons who are
(Name)	hearing or speech impaired may call Relay lowa TTY (1-800-735 2942). Disability coordinators cannot provide legal advice.
You are notified that the Cross-Claimant(s) ider	ntified below demand(s) from
(List name(s) of party(ies) against whom the demand is made.)	
	oriefly the basis for the demand, not to exceed \$6500)
Cross-Claimant(s) must electronically file this ori lowa Judicial Branch Electronic Document Manager https://www.inwacourts.state.ia.us/FEile.unless.the	
from electronic filing requirements.	court has granted cross channel help an exemption
	of the Cross-Claim on the other party(ies) or on the (ies) is (are) exempt from electronic filing, the clerk of
ls/	/s/
Filing Cross-Claimant or Attorney	/s/ Second Cross-Claimant, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Small Claims Form 3.14, page 1 of 2*
*Upon electronic filing, a clerk's signature page will be attached to this document as page 2.

Form 3.15 Reserved. Form 3.16: *Affidavit of Default.*

In the Iowa District Court for	or County
Plaintiff(s)	
(Name)	Affidavit of Default (Failure to Comply with Payment Plan)
(Address)	Small Claim No
(Name)	
(Address)	
Defendant(s)	
(Name)	é de la companya de l
(Address)	0
(Name)	
(Address)	81
1. The court entered judgment on the day of but the amount of \$	of, 20, in the amount of
20	beginning on the day of
3. The judgment debtor(s) has (have) failed to mak	e installment payments as ordered.
certify under penalty of perjury and pursuant to the and correct.	laws of the State of Iowa that the preceding is true
Date:	
Signature of A	Affiant
/s/	
Filing Judgme	ent Creditor or Attorney
Law firm, for	which filing is made, if applicable
Mailing addre	SS
Phone number	er
Email address	s
Additional Em	nail address, if applicable

Form 3.17: Application to Condemn Funds.

In the Iowa District Court for	County
Plaintiff(s) (Name)	Application to Condemn Funds Small Claim No.
(Name)	
vs. Defendant(s)	
(Name)	
(Name)	
The undersigned states as follows:	!
1. An Execution was issued based on the judgment e	ntered in this case.
 A Garnishment was served and the garnishee has money is owed to Defendant(s) named above, or turne 642.10 and 642.13. 	
 The Notice of Garnishment required by Iowa Code above. 	section 642.14 was served on Defendant(s) named
4. A copy of that Notice with proof of service on Defer	ndant(s) is on file.
5. More than 10 days have passed since the Notice o	of Garnishment was served.
No motion, Answer, Affidavit of Exemption, or othe Garnishment.	r pleading has been filed to contest the
Based on the foregoing, Plaintiff(s) request(s) the cour	rt issue an order condemning the garnished funds.
/s/	/s/
Filing Plaintiff or Attorney	Second Plaintiff, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address

Additional email address, if applicable

[Court Order May 7, 2012; June 26, 2018, effective July 1, 2018]

Additional email address, if applicable

Form 3.18: Dismissal.

In the Iowa District Court for	County
Plaintiff(s)	.
(Name)	Dismissal Small Claim No
(Name) VS.	
Defendant(s)	
(Name)	
(Name)	
By this filing, I (we) dismiss my (our) claim(s) (check out to with prejudice (I (we) cannot refile the claim (I without prejudice (I (we) may refile the claim)	(s)).
/s/ Filing Plaintiff or Attorney	/s/ Second Plaintiff, if applicable
Filing Plaintiff of Attorney	Second Plaintiff, ії арріїсавіе
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Form 3.19: Notice of Garnishment.

2	In the Iowa District Court for _	County
Plaintiff(s)		Notice of Garnishment
(Name)		Small Claim No
(Name)	VS.	
Defendant(s)	(43.)	
(Name)	*	If you need assistance to participate in court due to a disability, call the disability coordinator (information at https://www.jowacourts.gov/for-the-public/ada/). Persons who are
(Name)		hearing or speech impaired may call Relay lowa TTY (1-800-735- 2942). Disability coordinators cannot provide legal advice.

- 1. **You are notified** that a Garnishment was issued based on a judgment against you and the Garnishment was served on ______, who has admitted to be in possession of your property or is indebted to you.
- 2. You are further notified that to contest the Garnishment you must file a Motion to Quash, an Answer, an Affidavit of Exemption, or other appropriate pleading within 10 days from the date this Notice was served on you. Your motion, Answer, or pleading must explain why you think these funds are exempt from execution under state or federal law. Some examples of exempt funds may include social security benefits, public assistance, county assistance, veteran's benefits, and unemployment compensation. These are examples only and not intended as a complete list. If you do not contest the Garnishment, a court order will be entered condemning the funds and the funds will be applied against the judgment.
- 3. Any Motion to Quash, Answer, Affidavit of Exemption, or other pleading that you file to contest the Garnishment must be electronically filed using the lowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile unless you obtain an exemption from electronic filing requirements from the court.
- 4. If you file to contest the Garnishment, the court may set a prompt hearing, in which case you will receive electronic notification of the hearing through EDMS. If the court sets a hearing, you should be ready to explain to the judge why you believe your property is exempt from the Garnishment.
- 5. Iowa Code section 642.14 requires that you be told the exact language of Iowa Code section 630.3A. That section reads:

At any time after the rendition of judgment the court, upon application of the judgment creditor or the judgment debtor and upon notice to the adverse party as the court shall direct, shall conduct a hearing to determine the reasonably expected annual earnings of the judgment debtor for the current calendar year and the applicable limitation upon garnishment as provide in Section 642.21. The court shall also consider in the interest of justice whether a greater amount than provided in Section 642.21 shall be exempt from garnishment. In making the determination, the court shall consider the age, number and circumstances of the dependents of the debtor, existing federal poverty level guidelines, the debtor's maintenance and support needs, the debtor's other financial obligations, and any other relevant information. An order reducing the garnishment may be modified or vacated upon the application of a party to the court, notice to the adverse party, and a showing at a hearing of changed circumstances. An additional filing fee shall not be assessed for proceedings under this section.

You may wish to consult a lawyer for advice as to the meaning of this notice.

Continued on next page

Small Claims Form 3.19, page 1 of 2

Notice of Garnishment (cont'd)

/s/	/s/Second Judgment Creditor, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Small Claims Form 3.19, page 2 of 2

Form 3.20: Motion to Quash Garnishment and Request for Hearing.

County
Motion to Quash Garnishment and Request for Hearing
Small Claims No

This Garnishment represents a hardship because:

The funds are exempt because:

3. I (we) request a hearing on this Motion to Quash Garnishment.

Note: Defendant(s) must electronically file this original Motion to Quash using the Iowa Judicial Branch Electronic Document Management System (EDMS) at https://www.iowacourts.state.ia.us/EFile, unless Defendant(s) receive(s) an exemption from electronic filing requirements from the court. EDMS will serve a copy of this Motion to Quash on the other party(ies) or on the attorney(s) for the other parties. The Notice of Electronic Filing will indicate if Defendant(s) must mail a copy of this Motion to Quash to any party(ies) who is (are) exempt from electronic filing.

Continued on next page

Small Claims Form 3.20, page 1 of 2

127

Motion to Quash Garnishment and Request for Hearing (cont'd)

/s/	/s/
Filing Defendant or Attorney	Second Defendant, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Small Claims Form 3.20, page 2 of 2

Form 3.21: Affidavit of Property Exempt from Execution.

In the Iowa District Court fo	orCounty
Plaintiff(s)	Affidavit of Property
(Name)	Exempt from Execution (lowa Code sections 626.50 and 642.15)
(Name)	Small Claim No
VS.	
Defendant(s)	
(Name)	
(Name)	
300 to 0 t	
 This is an Affidavit pursuant to Iowa Code section creditors of income and property exempt from execu or motion in this proceeding. 	
The following are my (our) only sources of month that apply):	nly income and are exempt from execution (check all
☐ Social Security	\$
 Supplementary Security Income (SS 	
☐ Veterans benefits	\$
 Alimony, support, or separate mainte 	enance \$
☐ Other (any other source of income)	\$
☐ Employment*	\$
\$1,257/month.	kempt if less than \$290/week, \$580/every 2 weeks, or
3. I (We) have \$ in cash, checking, sources listed above. If there are deposits from other	and savings. This money is deposits from the ers sources, they total \$1000 or less.
4. I (We) own the following property, which is exemp	ot from execution (check all that apply):
☐ Homestead;	98-98-76-68-98-98-98-98-98-98-98-98-78-78-78-78-98-98-98-98-98-98-98-98-98-98-98-98-98
 Clothing, suitcases, musical instrumtotal value of \$7,000 or less; 	ents, and household goods and furnishings with a
 Books, family Bibles, pictures, portra 	nits, and paintings with a total value of \$1000 or less;
☐ Burial plots;	
One shotgun and either one rifle or one	one musket;
☐ Prescribed health aids;	
 A motor vehicle (list year and make) \$7,000 or less; 	,, with equity of
☐ Tools of trade or farm equipment, liv	estock, and feed with a total value of \$10,000 or less;
	a total value of \$5,000 or less, or wedding or two years before the date of this Affidavit;
Other jewelry with a total value of \$2	2,000 or less;

Small Claims Form 3.21, page 1 of 2

Affidavit of Pro	perty Exempt	from Ex	recution (cont'	d)
------------------	--------------	---------	------------	-------	---	---

 Cash value of life insurance of States beneficiary; 	\$10,000 or less if spouse, child, or dependent is
☐ Rental deposits, utility deposits,	, or rent paid in advance of \$500 or less;
 Qualified retirement funds; 	
☐ Cash on hand, bank deposits, o	other deposits, and other personal property up to \$1,000.
Management System (EDMS) at https://www.ior	iment using the Iowa Judicial Branch Electronic Document wacourts.state.ia.us/EFile, unless I (we) obtain an om the court. I (We) will provide a copy of this original County.
6. If this original document is electronically filed,	EDMS will serve copies on the other party(ies) or on the f Electronic Filing will indicate if I (we) must mail a copy to
I (We) certify, under the penalty of perjury, that the best of my (our) knowledge, it is an accurate	I (we) own all of the property listed on this Affidavit and, to a listing of my (our) exempt property.
Date:	Date:
Defendant's signature	Defendant's signature
/s/	/5/
Filing Defendant or Attorney	/s/ Second Defendant, if applicable
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Small Claims Form 3.21, page 2 of 2

Form 3.22: Application for Release and Satisfaction of Judgment.

In the Iowa District Court for	County
Plaintiff(s)	Application for Release
(Name)	and Satisfaction of Judgment
	Small Claim No
(Name)	8/-8/
Vs. Defendant(s)	
(Name)	
(Name)	
The judgment entered has been paid off or sa	atisfied in full.
2. The judgment creditor has failed to file a release	ase and satisfaction of that judgment.
3. Check only one of the following:	
address of the judgment creditor(s). Cop	release of the judgment to the last known ies of those documents are attached, and 3400 penalty pursuant to lowa Code section efforts, without success, to contact the
4. Proof of payment of the judgment is attached.	
5. The undersigned requests that the court enter satisfied or in the alternative, set this matter for h	nearing.
/s/ Filing Applicant or Attorney	/s/
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
Telephone number	Telephone number
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable

Form 3.23: Release and Satisfaction of Judgment.

In the Iowa District Court	for County
Plaintiff(s)	
At	Release and Satisfaction of Judgment
(Name)	Market Market Market State Market Mar
	Small Claim No
(Name)	
VS.	
Defendant(s)	
57 %	
(Name)	
	_
(Name)	-20
To Judgment Debtor(s):	<u>k</u>
I (We) knowingly and voluntarily state that the judge	ment in this matter has been paid off or satisfied in full,
including interest and court costs, and I (we) releas	하다 생물 보통하게 하면 하면 하는 사람들은 사람들이 되었다. 전문을 가득하면 하는 것이다. 그런 사람들이 모든 것이다. 그런 사람들이 없는 사람들이 되었다고 있다고 있다면 하는데 보다 다른 것이다.
obligation on the judgment in this matter.	
	nen paid off or satisfied in full, could result in a penalty
of \$400.00 if not filed within 30 days of written requ	lest (lowa Code Section 624.57).
Date:	Date:
Judgment Creditor's signature (must sign before a Notary)	Judgment Creditor's signature (must sign before a Notary
/s/	/s/
Judgment Creditor's name	/s/
Law firm, or entity for which filing is made, if applicable	Law firm, or entity for which filing is made, if applicable
Mailing address	Mailing address
The state of the s	ag dadioo
	32
Email address	Email address
Additional email address, if applicable	Additional email address, if applicable
Certification of Acknowledgment (Iowa Code see	ction 624.37):
表示 多 1	
On this date,	
appeared before me, acknowledged that signing the	
voluntary and knowing act, and signed the docume	nt before me.
Date:	
	blic or Clerk of Court

Form 3.24 Reserved.

Form 3.25: Request for General Execution (Praecipe).

In the Iowa Di	istrict Court fo	rCounty	
Plaintiff(s)		Request for General Execution	
(Name)	Æ	(Praecipe)	
(Address)	7.5	(Iowa Code section 626.12)	
(Name)		Small Claim No	
(Address)	15 h		
Defendant(s)			
(Name)			
(Address)			
(Name)			
(Address)	<u> </u>		
Sheriff of Coun Date of Judgment	fo	nty: Please issue a writ of General Execution to the (list name(s) of judgment debtor(s)) r the balance owing on the judgment in this matter.	
Original amount of judgment \$		Balance due on judgment \$	
Original amount of court costs \$		Balance due on court costs \$	
Original amount of attorney fees \$		Balance due on attorney fees \$	
Interest accrued to (date)	-	Amount of interest accrued \$	
Interest rate per annum:		Amount of microst decided \$	
Effective from (date)		Total amount due \$	
and there are no medical as the control of the cont		Interest amount per diem \$	
I certify under penalty of perjury and p correct. Date:	oursuant to the la	ws of the State of Iowa that the preceding is true and	
	Judgment Creditor's signature		
	/s/_ Filing Judgment	Creditor or Attorney	
	Law firm, or entit	ty for which filing is made, if applicable	
	Mailing address		
	Phone #		
	Email address		
	Additional email	address, if applicable	

Form 3.26: Notice of Appeal.

In the Iowa District Court for	County
Plaintiff(s)	Notice of Appeal
(Name)	Small Claim No
(Name)	
Defendant(s)	
(Name)	
(Name)	
I (We) appeal to the district court from the judgment	ment entered on the day of
, 20 2. I (We) am (are) appealing this decision because	e:
37 E	file this original Notice of Appeal using the ement System (EDMS) at sempted from electronic filing requirements by of Appeal on the other party(ies) or on the electronic Filing will indicate if the other he appealing party(ies) must mail a copy of this
Filing Appealing Party or Attorney Se	econd Appealing Party, if applicable
aw firm, or entity for which filing is made, if applicable	aw firm, or entity for which filing is made, if applicable
Mailing address M	ailing address
Telephone number	elephone number
Email address En	mail address
Additional email address, if applicable A	dditional email address, if applicable

[Court Order October 12, 2005; May 7, 2012; June 26, 2018, effective July 1, 2018]

Form 3.27: Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service.

In the Iowa District Court for	County
Plaintiff(s)	Verification of Account, Identification of Judgment
(Name)	Debtor, and Certificate Re Military Service
(Name)	Small Claim No.
Vs. Defendant(s)	
(Name)	
71	For defendant: (This form required for each Defendant.
(Name)	(This form required for each Defendant
1. I,	ue copy of the original creditor's records r state that the sum of \$ is the from Defendant(s) to Plaintiff(s) the Petition or Original Notice.
I further state that Defendant resides at is ampleted at.	* * * * * * * * * * * * * * * * * * *
is employed atand Defendant's occupation is	
verified this fact by (check one): Checking the Defense Manpower Da or name and date of birth). Contacting Defendant who informed a Regularly seeing Defendant and belief military.	eving Defendant is are not active in the U.S.
Or B. I have investigated, and I am unable to the military service of the United States gover	determine whether or not Defendant is in rnment
Or C. Defendant is in the military service of t	the United States government
4. I also state to the best of my knowledge (check on	ne):
	nfined in a reformatory, jail, or penitentiary. r confined in a reformatory, jail, or penitentiary
I certify under penalty of perjury and pursuant to the latrue and correct.	aws of the State of Iowa that these facts are
Date:	
Signa	ature of Affiant
/s/	J Plaintiff or Attorney
Phone number Filing	Plaintiff or Attorney
Email address Law f	firm, or entity for which filing is made, if applicable
Additional email address, if applicable Mailin	ng Address

CHAPTER 4 NO CONTACT AND PROTECTIVE ORDERS

Form 4.1	Temporary Protective Order (Section 236.3 Petition)
Form 4.2	Protective Order Following Adjudication of Domestic Abuse (Section 236.3 Petition)
Form 4.3	Protective Order by Consent Agreement (Section 236.3 Petition)
Form 4.4	Cancellation, Modification or Extension of Chapter 236 Order
Form 4.5	Temporary Protective Order (Ex Parte) (Iowa Code Chapter 598)
Form 4.6	Temporary Protective Order (Hearing) (Iowa Code Chapter 598)
Form 4.7	Domestic Abuse Protective Order Accompanying Dissolution Decree (Iowa Code Chapter 598)
Form 4.8	Domestic Abuse Protective Order by Consent Agreement Accompanying Dissolution Decree (Iowa Code Chapter 598)
Form 4.9	Cancellation, Modification or Extension of Chapter 598 Order
Form 4.10	Additional Protective Order Under Section 664A.7 and Order Setting Contempt Hearing
Form 4.11	No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7)
Form 4.12	Modification, Extension, or Cancellation of No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7)
Form 4.13	No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4)
Form 4.14	Modification, Extension, or Cancellation of No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4)
Form 4.15	Order for Sentencing, § 664A.5
Form 4.16	Modification, Extension, or Cancellation of Order for Sentencing § 664A.5 (modification or cancellation), § 664A.8 (extension)

CHAPTER 4 NO CONTACT AND PROTECTIVE ORDERS

Form 4.1: Temporary Protective Order (Section 236.3 Petition).

Order of Protection This order can be verified during business hours with the	Case No. Judge
County Clerk of Court at or anytime with the	County State IOWA
(law enforce-	TEMPORARY PROTECTIVE ORDER (Section 236.3 Petition)
PETITIONER/PROTECTED PARTY:	DATE: Other Protected Persons:
First Middle Last V.	
RESPONDENT/DEFENDANT:	RESPONDENT Date of Birth
First Middle Last	Address for Respondent (not shared address with Protected Party)
written order, or until the dismissal of the case, but in no eve WARNINGS TO RESPONDENT:	g further acts of abuse or threats of abuse. t with the Petitioner/Protected Party. ve provisions are as set forth below. emain in effect until modified, terminated or superseded by a later and for more than one year.
nnis order shall be enforced, even without registrate any U.S. Territory, and any tribal jurisdiction. 18 U. boundaries to violate this order may result in feder. Only the court can change this order. NOTICE FOR LAW ENFORCEMENT:	
CAUTION: If checked, FIREARMS WARNING for Law Enforcement	The Respondent will be provided with reasonable notice and opportunity to be heard. See page 2, paragraph 8.

Temporary Protective Order (Section 236.3 Petition) (cont'd)

The court has	considered the	Petition for Relie	of from Domestic	Abuse and find	s that a temporary	protective order
under Iowa Code section	on 236.4(2) is ne	ecessary to protect	t the protected pa	arty named above	Э.	

Therefore, the court ORDERS as follows:

- 1. Respondent shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.
- 2. Respondent shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings.
- 3. Respondent shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.
- 4. The protected party shall have exclusive possession of the residence located at _____. Respondent shall not go to, enter, occupy or remain in that residence or any other residence in which the protected party is staying, under any circumstance. Respondent shall turn over to the sheriff all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). Respondent may enter the residence once in the company of a peace officer to retrieve respondent's clothing and work-related items. The law enforcement agency shall contact the protected party to provide notice of the intent of the respondent to return to the residence and to accommodate the safety concerns of the protected party.
- 5. If checked, the protected party shall have the right to exclusive use and possession of the ______ vehicle until further order of the court, and the sheriff shall take custody of respondent's keys to the vehicle upon service of this order. Sheriff will turn vehicle keys over to the protected party.
 - 6. The protected party is granted temporary custody of these children (list names and ages):

the following time and in the following manner:

Liplace modified by order filed in this proceeding or in a luvenile court proceeding effecting the same children, this temporary

If the children are not presently in the care of protected party, the children shall be returned to the protected party's custody at

Unless modified by order filed in this proceeding or in a juvenile court proceeding affecting the same children, this temporary order shall prevail over any other existing custody order. The issue of visitation will be addressed at the hearing mentioned below. Until such time, respondent shall not contact these children and shall not contact the protected party about visitation.

- 7. A RESPONDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST. Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order.
- 9. The court finds, pursuant to Iowa Code section 236.10, that to protect the safety or privacy of the protected party and/or the protected party's children, the clerk of court shall until further order of the court (check any that apply)

 [] seal the entire file from public access, other than court orders and child support payment records.

[] seal the following portion(s) of the file from public access:

[] redact protected party's actual address and location information prior to public dissemination of court orders, child support payment records, and other records available at the clerk's office or through the lowa Court Information System

(ICIS).

Whether or not any boxes are checked above, the indices available at the clerk's office or through the lowa Court Information System (ICIS) shall remain open.

10. The Respondent may be required to relinquish all firearms, offensive weapons, and ammunition upon issuance of a permanent protective order.

JUDGE, (District Number) JUDICIAL DISTRICT OF IOWA

[] The County Sheriff shall serve and return service upon the respondent, the petition/motion and this order at least two days before the hearing.
[] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to lowa Code sections 236.5(5) and 664A.4.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () If you are hearing-impaired, call Relay lowa TTY at 1-800-735-2942.

[Court Order February 18, 1997, effective March 21, 1997; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; July 11, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007; December 27, 2010]

Form 4.2: Protective Order Following Adjudication of Domestic Abuse (Section 236.3 Petition).

Order of Protection This order can be verified during business hours with the County Clerk of Court at or anytime with the (law enforcement agency) at	
PETITIONER/PROTECTED PARTY: First Middle Last V.	Other Protected Persons:
RESPONDENT/DEFENDANT: First Middle Last CAUTION: FIREARMS WARNING for Law Enforcement	RESPONDENT Date of Birth Address for Respondent (not shared address with Protected Party)
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the opportunity to be heard. Additional findings are set forth of the court of the court has been added to be heard. The court hereby orders: The above named Respondent is restrained from committing the above named Respondent is restrained from any contact additional terms of this order and exceptions to the about this order shall remain in effect until extended, or superseded by written order of the court, or until warnings to respondent:	g further acts of abuse or threats of abuse. to with the Petitioner/Protected Party. ve provisions are as set forth below. (one year from today's date) unless it is modified, terminated, ill the dismissal of the case.
This order shall be enforced, even without registrate any U.S. Territory, and any tribal jurisdiction. 18 U. boundaries to violate this order may result in feder	al imprisonment. 18 U.S.C. § 2262. ssing, transporting, shipping, or receiving any firearm o

Only the court can change this order.

Protective Order Following Adjudication of Domestic Abuse (Section 236.3 Petition) (cont'd)
On the day of, 20, a hearing was held on the Petition for Relief from Domestic Abuse. The following persons were present and participated in the hearing:
The court FINDS by a preponderance of the evidence: (1) Respondent was personally served with a copy of the petition and the temporary protective order containing notice of this hearing. (2) Respondent committed a domestic abuse assault against the protected party named above.
(2) Respondent committed a domestic abuse assault against the protected party harned above.(3) Respondent represents a credible threat to the physical safety of the protected party.
Therefore, pursuant to lowa Code Chapter 236, the court ORDERS as follows: 1. Respondent shall not threaten, assault, stalk, molest, attack, harass or otherwise abuse the protected party. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. 2. Respondent shall stay away from the protected party and shall not be in that party's presence, except in a courtroom during court hearings. 3. Respondent shall not communicate with the protected party in person or through any means including third.
persons. This restriction shall not prohibit communication through legal counsel. 4. The protected party shall have exclusive possession of the residence located at
Respondent shall not go to, enter, occupy or remain in that residence or any other residence in which the protected party is staying, under any circumstance.
5. The is granted temporary custody of these children (list names and ages): (protected party or respondent)
is granted visitation with these children as follows (specify times, places and method of implementation of visitation):
The respondent shall not otherwise contact these children and shall not contact the protected party about visitation except as provided in this order. 6. Respondent shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition while this order is in effect pursuant to lowa Code § 724.26(2)(a). Respondent shall deliver all firearms, offensive weapons, and ammunition to the
(ICIS). Whether or not any boxes are checked above, the indices available at the clerk's office or through the lowa Court
Information System (ICIS) shall remain open.
JUDGE,JUDICIAL DISTRICT
[] TheCounty Sheriff shall serve and return service of this order upon the respondent. [] Respondent was personally served with a copy of this order by the court. [] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to lowa Code sections 236.5(5) and 664A.4.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () If you are hearing-impaired, call Relay lowa TTY at 1-800-735-2942.
Court Order February 18, 1997, effective March 21, 1997; January 11, 2001, effective February 15, 2001

[Court Order February 18, 1997, effective March 21, 1997; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; July 11, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007; December 27, 2010]

Form 4.3: Protective Order by Consent Agreement (Section 236.3 Petition).

	Case No.
Order of Protection	Judge
	(print or type name here)
This order can be verified during business hours with the	County State IOWA
County Clerk of Court at	. State
or anytime with the	PROTECTIVE ORDER BY CONSENT AGREEMENT
(law enforce-	(Section 236.3 Petition)
ment agency) at	ISSUE DATE:
PETITIONER/PROTECTED PARTY:	Other Protected Persons:
First Middle Last	
V.	
RESPONDENT/DEFENDANT:	RESPONDENT Date of Birth
First Middle Last	Address for Respondent (not shared address with Protected Party)
CAUTION: If checked, FIREARMS WARNING for Law Enforcement	
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the opportunity to be heard. Additional findings are set forth to	
THE COURT HEREBY ORDERS:	
The above named Respondent is restrained from committing The above named Respondent is restrained from any contact Additional terms of this order and exceptions to the above	t with the Petitioner/Protected Party.
This order shall remain in effect until extended, or superseded by written order of the court, or until	(one year from today's date) unless it is modified, terminated, il the dismissal of the case.
WARNINGS TO RESPONDENT: This order shall be enforced, even without registrat any U.S. Territory, and any tribal jurisdiction (18 U.S. boundaries to violate this order may result in federal	tion, by the courts of any state, the District of Columbia, S.C. § 2265). Crossing state, territorial, or tribal al imprisonment (18 U.S.C. § 2262).
Federal law provides penalties for possessing, tran	

ammunition (18 U.S.C. § 922(g)(8)).

Only the court can change this order.

Protective Order by Consent Agreement (Section 236.3 Petition) (cont'd)
On the day of, 20, a hearing was held on the Petition for Relief from Domestic Abuse. The following persons were present and participated in the hearing:
The court FINDS by a preponderance of the evidence: (1) Respondent was personally served with a copy of the petition and the temporary protective order containing notice of this hearing.
(2) The parties appeared and each consented to the entry of this order. [] (3) If checked, the respondent committed a domestic abuse assault against the protected party. [] (4) If checked, the court finds the respondent and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person"). IF (4) IS CHECKED, the court must check box 6, prohibiting the respondent from possessing firearms.
Therefore, pursuant to Iowa Code Chapter 236, the court ORDERS as follows:
 Respondent shall not threaten, assault, stalk, molest, attack, harass or otherwise abuse the protected party Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. Respondent shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.
3. The protected party shall have exclusive possession of the residence located at Respondent shall not go to, enter, occupy or remain in that residence of
any other residence in which the protected party is staying, under any circumstance. 4. (Insert additional provisions expressly limiting contact, if any, including limitations on access to protecte
party's school or workplace): 5. The is granted temporary custody of these children (list names and ages)
is granted visitation with these children as follows (specify times, places and method (protected party or respondent) of implementation of visitation):
The respondent shall not otherwise contact these children and shall not contact the protected party about visitation except as provided in this order.
[] 6. If checked, the respondent shall not possess firearms while this order is in effect. Respondent shall deliver all firearms to the County Sheriff or (law enforcement)
firearms to the County Sheriff or (law enforcement agency) on or before, 20 The respondent is advised that the issuance of this protective order may also affect the right to possess or acquire a firearm or ammunition under federal law. 18 U.S.C.
 \$8 922(d)(8), (g)(8). A RESPONDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST. Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order.
8. This order is effective immediately.
 [] 9. If checked, court costs are assessed against respondent. 10. The court finds, pursuant to Iowa Code section 236.10, that to protect the safety or privacy of the protected party and/or the protected party's children, the clerk of court shall, until further order of the court (check any that apply) [] seal the entire file from public access, other than court orders and child support payment records. [] seal the following portion(s) of the file from public access:
[] redact protected party's actual address and location information prior to public dissemination of court orders child support payment records, and other records available at the clerk's office or through the Iowa Court Information System (ICIS). Whether or not any boxes are checked above, the indices available at the clerk's office or through the Iowa Court
Information System (ICIS) shall remain open.
JUDGE, JUDICIAL DISTRICT
The County Sheriff shall serve and return service of this order upon the respondent. Respondent was personally served with a copy of this order by the court. The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Code sections 236.5(5) and
664A.4. NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ()
Court Order February 18, 1997, effective March 21, 1997; January 11, 2001, effective February 15, 200

[Court Order February 18, 1997, effective March 21, 1997; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; July 11, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 31, 2007]

Form 4.4: Cancellation, Modification or Extension of Chapter 236 Order.

Order of Protection		Judge(print or type name here)
	d during business hours with the	County State IOWA
or anytime with the (law enforce-		OR EXTENSION OF CHAPTER 236 ORDER
PETITIONER	R/PROTECTED PARTY: Middle Last	Other Protected Persons:
Liist	V.	
RESPON	DENT/DEFENDANT:	RESPONDENT Date of Birth
First	Middle Last	Address for Respondent (not shared address with Protected Party)
CAUTION:	If checked, FIREARMS WARNII for Law Enforceme	
	he parties and subject matter, a . Additional findings are set	and the Respondent has been provided with reasonable notice and forth below.
THE COURT HEREE	of ORDERS.	
	ler is hereby cancelled as of (see #1 below)	, 20
() This modified or	der expires on	
Additional terms of th	is order are as set forth below	N.
any U.S. Territory, a	enforced, even without reg nd any tribal jurisdiction (istration, by the courts of any state, the District of Columbia 18 U.S.C. § 2265). Crossing state, territorial, or tribal federal imprisonment (18 U.S.C. § 2262).
Federal law provide ammunition (18 U.S		, transporting, shipping, or receiving any firearm or

Only the court can change this order.

Cancellation, Modification or Extension of Chapter 236 Order (cont'd)
On this day of, 20, this matter comes before the court regarding the Chapter 236, this matter comes before the court regarding the Chapter 236
The court finds (if checked) that
Protected party requests order be dismissed Protected party failed to appear for hearing There is insufficient evidence
The court ORDERS as follows (check the appropriate option(s) below):(1) The order is hereby canceled . The Petition for Relief from Domestic Abuse is dismissed without prejudice.
(2) The order is modified as follows:
The modification is effective () immediately. () upon service. To the extent not inconsistent herewith, the prior protective order shall also remain in force.
(3) The order is hereby extended .
(4) If checked, court costs are assessed against respondent.
(5) The clerk of court shall reflect this change in status on the domestic abuse registry and shall notify law enforcement regarding this order.
JUDGE, JUDICIAL DISTRICT
[] The County Sheriff shall serve and return service of this order upon the respondent.
[] The were personally served with a copy of the order by the court.
[] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Code sections 236.5(5) and 664A.4.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.
[Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 31, 2007]

Form 4.5: Temporary Protective Order (Ex Parte) (Iowa Code Chapter 598).

Order of Protection IN RE THE MARRIAGE OF	Case No. Judge			
Upon the Petition of, Petitioner, And Concerning, Respondent.	TEMPORARY PROTECTIVE ORDER (EX PARTE) (Iowa Code Chapter 598) ISSUE DATE:			
PROTECTED PARTY:	Other Protected Persons:			
First Middle Last V.				
DEFENDANT:	DEFENDANT Date of Birth			
First Middle Last	Address for Defendant (not shared address with Protected Party)			
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter. Additional findings are set forth below.				
THE COURT HEREBY ORDERS: The above named Defendant is restrained from committing. The above named Defendant is restrained from any contact Additional terms of this order and exceptions to the about this order shall remain in effect until modified, terminated or until a decree is issued in this dissolution.	with the Protected Party.			
WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, Territory, and any tribal jurisdiction (18 U.S.C. § 2265). order may result in federal imprisonment (18 U.S.C. § 22	by the courts of any state, the District of Columbia, any U.S. Crossing state, territorial, or tribal boundaries to violate this 262). rting, shipping, or receiving any firearm or ammunition (18			
Only the court can change this order. This order can be verified during business hours with the the (law enforcement agency)	County Clerk of Court at or anytime with at			
NOTICE FOR LAW ENFORCEMENT: If checked, FIREARMS WARNING for Law Enforcement	Please see page 2, paragraph 9 to determine if the defendant has been or will be provided with reasonable notice and opportunity to be heard.			

Temporary	Protective Order (Ex Parte) (Iowa Co	de Chapter 59	s) (cont'd)			
On this that the	day ofetitioner or respondent)	,20	_, in a proceed	ing under Iowa Co	de chapter 59 after designat	8, a finding ed as prote	g was made ected party,
pe should be a	etitioner or respondent) accorded protection from		(name)				
as defendate court further order should	nt. The court finds that the er finds that the protection to do be furnished to the dispatch hould be grounds for arrest	protected to be accor tcher desig	party or the che ded to the pro- gnated in Iowa	ildren are in immin ected party is of th Code sections 236	nent danger o ie type and fo	of physical or the reaso	harm. The ons that this
1. D Defendant sonably be 2. D room durin 3. D persons. T 4. T Defendant is staying, residence opany of a p contact the date the sad [] 5. If vehicle unt of this orde	fore, the court ORDERS as a sefendant shall not threaten, shall not use, or attempt to a expected to cause bodily in a sefendant shall stay away from a court hearings. It is a shall not community in a community of the protected party shall have shall not go to, enter, occup ander any circumstance. Do not be protected party to provide a protected party to protected party in the protected party in further order of the court, or sheriff will turn vehicle the protected party is granted.	assault, suse, or three jury. on the protect with a sibit comments or remained and the suse of the sus	ected party and the protected nunication thro e possession of n in that resident all turn over to garage openers lothing and we ne intent of the te the right to e eriff shall take to the protecte	sical force against a shall not be in that party in person or ugh legal counsel. The residence locating or any other residence or any oth	the protected the party's present through any stated at sidence in white cest that allow the residence in the residence in to the residence cossession of the party skeys to the party skeys to the party skeys to the cossession of the party skeys to the p	ich the proteince once orcement a ence and to the vehicle u	t would read to the time a court- luding third tected party entry to the in the com- gency shall a accommo-
custody at	ren are not presently in the	e followin	g manner:			977	
temporary hearing me tected party	dified by order filed in this order shall prevail over any entioned below. Until such y about visitation.	other exi time, defe	sting custody on dant shall no	order. The issue of t contact these chil	visitation wi dren and sha	ill be addre ll not cont	essed at the act the pro-
[] 7. If firearms to	checked, the defendant sha	ll not poss County	ess firearms wl Sheriff or	nile this order is in	effect. Defer	ıdant shall	deliver all
enforcemen	the			, 20	. The defe	endant is a	dvised that
federal law 8. A	e of this protective order notes that U.S.C. §§ 922(d)(8), (DEFENDANT WHO VIC) the protected party consents	g)(8). DLATES T	HIS ORDER	FACES IMMEDI	ATE ARRES	ST. Violati	ion may oc
from the re	strictions contained in this	order.			omy the court	, can renev	c defendan
9. T	nis order is entered ex parte	. A hearin	g will be held	on	, 20	, at	o'clock
may result	cide if this order should re in this order remaining in ear result in the cancellation of	main in ef	e the dissolution	action is pending. on action is pending	g. Failure of	the protect	ted party to
		JUDGE,	JI	JDICIAL DISTRI	$\overline{\text{CT}}$		
The class and 66	the hearing. erk of court shall provide copies of 4A.4.	f this order to	the parties and la	w enforcement agencies	s, pursuant to Iov	wa Code secti	
	you have a disability and need assi ring-impaired, call Relay Iowa TT			oceedings, please call the	e ADA Coordina	nor at ()_	

[Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007]

Form 4.6: Temporary Protective Order (Hearing) (Iowa Code Chapter 598).

Order of Protection	Case No.
IN RE THE MARRIAGE OFAND	Judge(print or type name here)
Upon the Petition of, Petitioner, And Concerning, Respondent.	County State IOWA TEMPORARY PROTECTIVE ORDER (HEARING) (Iowa Code Chapter 598) ISSUE DATE:
PROTECTED PARTY:	Other Protected Persons:
First Middle Last V.	
DEFENDANT:	DEFENDANT Date of Birth
First Middle Last	Address for Defendant (not shared address with Protected Party)
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter. Additional findings are set forth below. THE COURT HEREBY ORDERS: The above named Defendant is restrained from committing The above named Defendant is restrained from any contact Additional terms of this order and exceptions to the above the set of the set	ct with the Protected Party.
Territory, and any tribal jurisdiction (18 U.S.C. § 2265). order may result in federal imprisonment (18 U.S.C. § 2	b, by the courts of any state, the District of Columbia, any U.S. Crossing state, territorial, or tribal boundaries to violate this 2262). Orting, shipping, or receiving any firearm or ammunition (18
This order can be verified during business hours with the anytime with the	
NOTICE FOR LAW ENFORCEMENT: If checked, FIREARMS WARNING for Law Enforcement	Please see page 2, paragraph 9 to determine if the defendant has been or will be provided with reasonable notice and opportunity to be heard.

Temporary Protective Order (Hearing	g) (Iowa Code Chapte	er 598) (cont	'd)	
On this day of that the (petitioner or respondent) should be accorded protection from	, 20, in a pro	oceeding und	ler Iowa Code chap	ter 598, a finding was made
(notitionar or respondent)		(2)	, incremanter de	signated as protected party,
(petitioner or respondent)	(nam	e)		bassins Mandarian dad
snould be accorded protection from		1 0	7	nerematter designated
as defendant. The court finds that the court further finds that the protection order should be furnished to the disphis order should be grounds for arrest	ne protected party or to not to be accorded to the patcher designated in	the children a e protected p Iowa Code s	are in imminent date out of the type sections 236.5(5) as	nger of physical harm. The and for the reasons that this
Therefore, the court ORDERS a 1. Defendant shall not threate Defendant shall not use, or attempt to sonably be expected to cause bodily 2. Defendant shall stay away for	n, assault, stalk, mol o use, or threaten to us injury.	se physical fo	orce against the pro	tected party that would rea-
room during court hearings. 3. Defendant shall not commupersons. This restriction shall not pr 4. The protected party shall ha	ohibit communication	through leg	al counsel.	
Defendant shall not go to, enter, occurs staying, under any circumstance. It residence or outbuildings (for example pany of a peace officer to retrieve decontact the protected party to provide date the safety concerns of the protected party staying a staying protected party staying the course of	py or remain in that r Defendant shall turn of le, keys or garage open efendant's clothing as enotice of the intent of the party. Shall have the right to t, and the sheriff shall	esidence or a ver to the she eners). Defer nd work-rela of the defend exclusive us take custody	any other residence eriff all devices that adant may enter the sted items. The law ant to return to the se and possession of of defendant's key	in which the protected party allow access or entry to the residence once in the com- venforcement agency shall residence and to accommo- f the
of this order. Sheriff will turn vehicl 6. The protected party is grant	e keys over to the pro ed temporary custody	tected party. of these chil	ldren (list names ar	id ages):
If the children are not presently in the custody at the following time and in	ne care of protected p the following manner	earty, the chil	ldren shall be retur	ned to the protected party's
Unless modified by order filed in the temporary order shall prevail over an earing mentioned below. Until suctected party about visitation. 7. The defendant shall not postible.	ny other existing cust h time, defendant sha sess firearms while th	ody order. Tall not contactions order is in	The issue of visitated these children and effect. Defendant	ion will be addressed at the d shall not contact the pro- shall deliver all firearms to
on or before	20			The defendant is advised
the	(g)(8). OLATES THIS OR	DER FACE	S IMMEDIATE A	RREST. Violation may oc-
from the restrictions contained in this 9. This order is entered after b 10. This order is effective	s order.	otice and hav	Commence and Comme	
	JUDGE,	_ JUDICIA	AL DISTRICT	
before the hearing. The defendant was personally served. The clerk of court shall provide c sections 236.5(5) and 664A.4.	red with a copy of this copies of this order to the	order by the co	ourt. law enforcement ag	
NOTICE: If you have a disability and no notice. If you are hearing-in	eed assistance to particip npaired, call Relay Iow			the ADA Coordinator at ()

 $[Court\ Order\ August\ 28,\ 2003,\ effective\ October\ 1,\ 2003;\ October\ 7,\ 2003;\ September\ 1,\ 2005,\ effective\ November\ 1,\ 2005;\ January\ 30,\ 2007]$

anytime with the _

Form 4.7: Domestic Abuse Protective Order Accompanying Dissolution Decree (Iowa Code Chapter 598).

	· []	(m)		
Order of Protection	Case No.			
IN RE THE MARRIAGE OF	Judge	Judge(print or type name here)		
AND		(print or type hame here	•,	
	County	State	IOWA	
Upon the Petition of, Petitioner,	DOMES	STIC ABUSE PROTECT	IVE OPDER	
And Concerning,		PANYING DISSOLUTION	ON DECREE	
Respondent.		(lowa Code Chapter 5	598)	
		ISSUE DATE:		
PROTECTED PARTY:	Other Protected	Persons:		
	-			
First Middle La	ast —	×		
v.			100	
DEFENDANT:	DEFENDAN	T Date of Birth		
First Middle La	st Address for De	fendant (not shared address	with Protected Party)	
CAUTION: If checked, FIREARMS WARN. Law Enforcem				
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matte opportunity to be heard. Additional findings are s		en provided with reasonab	le notice and	
THE COURT HEREBY ORDERS:				
The above named Defendant is restrained from con The above named Defendant is restrained from any Additional terms of this order and exceptions to	contact with the Protected F	Party.		
This order shall remain in effect unless it is modified the case.	l, terminated or superseded	by a later written order, or	until the dismissal of	
WARNINGS TO DEFENDANT: This order shall be enforced, even without regis Territory, and any tribal jurisdiction (18 U.S.C. § order may result in federal imprisonment (18 U.S.	2265). Crossing state, ter			
Federal law provides penalties for possessing, t U.S.C. § 922(g)(8)).	ransporting, shipping, or r	eceiving any firearm or a	ammunition (18	
Only the court can change this order.	-1/6			
This order can be verified during business hours wit	h the	County Clerk of Court at	or	

____ (law enforcement agency) at ___

	panying Dissolution Decree (Iowa Code Chapter 598) (cont'd)
On the day of,	20, a hearing was held in this marriage dissolution action to determine if, hereinafter designated as the protected party, should be accorded the
(petitioner or respondent) type of protection described in Iowa Code	Chapter 236 from hereinafter designated (petitioner or respondent)
as defendant. The following persons were	present and participated in the hearing:
The court FINDS by a preponderance	of the evidence:
(2) The defendant represents a credible	stic abuse assault against the protected party. le threat to the physical safety of the protected party. n are in imminent danger of physical harm from the defendant.
The court accordingly ORDERS as fo 1. Defendant shall not threaten, assa fendant shall not use, or attempt to use, or ably be expected to cause bodily injury.	ollows: ult, stalk, molest, attack, harass or otherwise abuse the protected party. Dethreaten to use physical force against the protected party that would reason-
room during court hearings. 3. Defendant shall not communicat persons. This restriction shall not prohibit	he protected party and shall not be in that party's presence, except in a court- e with the protected party in person or through any means including third t communication through legal counsel.
4. Defendant shall not go to, enter, or protected party is staying, under any circum 5. The issues of custody and visitation visitation provisions have been attached any visitation shall be treated as a specific profou	or occupy the protected party's residence or any other residence in which the instance. on have been set forth in detail in the dissolution decree. These custody and are incorporated in this order by this reference. As a result, custody and ovision of this protective order and are enforceable under the provisions of
6. The defendant shall not possess fitte on or before, 20 may also affect the right to possess or acc	irearms while this order is in effect. Defendant shall deliver all firearms to County Sheriff or (law enforcement agency) The defendant is advised that the issuance of this protective order quire a firearm or ammunition under federal law. 18 U.S.C. §§ 922(d)(8),
7. A DEFENDANT WHO VIOLA cur even if the protected party consents to a from the restrictions contained in this order 8. This order is effective immediate	TES THIS ORDER FACES IMMEDIATE ARREST. Violation may occonduct that is prohibited by this order. Only the court can relieve defendant er. ly.
	DGE, JUDICIAL DISTRICT
	rve and return service of this order upon the defendant.
[] Defendant was personally served with a	copy of this order by the court.
[] The clerk of court shall provide copies sections 236.5(5) and 664A.4.	of this order to the parties and law enforcement agencies, pursuant to Iowa Code
NOTICE: If you have a disability and need as: If you are hearing-impair.	sistance to participate in court proceedings, please call the ADA Coordinator at () ed, call Relay Iowa TTY at 1-800-735-2942.
effective February 15, 2001; November	etive March 21, 1997; amended March 13, 1998; January 11, 2001, er 9, 2001, effective February 15, 2002; August 28, 2003, effective ffective November 1, 2005; January 30, 2007]

Form 4.8: Domestic Abuse Protective Order by Consent Agreement Accompanying Dissolution Decree (Iowa Code Chapter 598).

- A A A A A A A A A A A A A A A A A A A	
Order of Protection	Case No.
IN RE THE MARRIAGE OF	Judge(print or type name here)
AND	(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	County State IOWA
Upon the Petition of, Petitioner,	DOMESTIC ABUSE PROTECTIVE ORDER
And Concerning, Respondent.	BY CONSENT AGREEMENT
Respondent.	ACCOMPANYING DISSOLUTION DECREE (lowa Code Chapter 598)
	ISSUE
PROTECTED PARTY:	DATE: Other Protected Persons:
	7
First Middle Last	
V.	
DEFENDANT:	DEFENDANT Date of Birth
First Middle Last	t Address for Defendant (not shared address with Protected Party)
CAUTION: If checked, FIREARMS WARNIN Law Enforcemen	
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, a opportunity to be heard. Additional findings are set THE COURT HEREBY ORDERS: The above named Defendant is restrained from comm The above named Defendant is restrained from any conditional terms of this order and exceptions to the	nitting further acts of abuse or threats of abuse. ontact with the Protected Party.
The state of the s	ated or superseded by a later written order, or until the dismissal of the case.
	ation, by the courts of any state, the District of Columbia, any U.S. 265). Crossing state, territorial, or tribal boundaries to violate this C. § 2262).
Federal law provides penalties for possessing, trail U.S.C. § 922(g)(8)).	nsporting, shipping, or receiving any firearm or ammunition (18
Only the court can change this order.	
This order can be verified during business hours with t	the County Clerk of Court at or

(law enforcement agency) at _

Domesti 598) (co	ic Abuse Protective Order by ont'd)	Consent Agreem	ent Accompanying Disso	olution Decree	(Iowa Code Chapter
On determir	the day of ne if (petitioner or respond	, 20, hereina	, a hearing was held in fter designated as the prot	this marriage tected party, sh	dissolution action to ould be accorded the
type of p	protection described in Iowa C	ient) ode Chapter 236 i	rom	h	ereinafter designated
1.0	protection described in Iowa C		(petitioner or resp	pondent)	2
as defen	idant. The following persons v	were present and p	articipated in the hearing	.	
The	e court FINDS by a prepondera	ance of the eviden	ce:		
[1(2)]	The parties appeared and eac If checked, the defendant cor The protected party or the ch	nmitted a domesti	abuse assault against the	e protected part arm from the d	ty. efendant.
The cou	art accordingly ORDERS as for	lows:			
fendant	Defendant shall not threaten, shall not use, or attempt to use expected to cause bodily injur	, or threaten to use			
	Defendant shall not commun. This restriction shall not prob				neans including third
	Defendant shall not go to, ented party is staying, under any c		protected party's residence	or any other re	esidence in which the
4. party's s	(Insert additional provisions school or workplace):	expressly limiting	contact, if any, including	g limitations o	n access to protected
visitatio visitatio	The issues of custody and vis on provisions have been attached on shall be treated as a specific ode Chapter 236.	ed and are incorpo	rated in this order by this	reference. As	a result, custody and
6. the	The defendant shall not possed	ess firearms while County Sheriff	this order is in effect. De	efendant shall d	leliver all firearms to enforcement agency)
on or be may also (g)(8).	efore so affect the right to possess or	_, 20 The acquire a firearn	defendant is advised that n or ammunition under fe	the issuance of deral law. 18	this protective order U.S.C. §§ 922(d)(8),
7. cur even from the	A DEFENDANT WHO VIO n if the protected party consents e restrictions contained in this	to conduct that is	RDER FACES IMMED prohibited by this order.	IATE ARRES Only the court	T. Violation may oc- can relieve defendant
8.	This order is effective immed	liately.			
		JUDGE,	JUDICIAL DISTR	ICT	
[] Th	ne County Sheriff sha efendant was personally served with the clerk of court shall provide co- ctions 236.5(5) and 664A.4.	th a copy of this ord	ervice of this order upon the ler by the court. the parties and law enforce		pursuant to Iowa Code
NOTICE	E: If you have a disability and nee If you are hearing-in	d assistance to parti paired, call Relay I	ipate in court proceedings, p owa TTY at 1-800-735-2942	please call the AI 2.	OA Coordinator at ()
Court C	Order February 18, 1997, e	ffective March 2	1, 1997; amended Ma	rch 13, 1998;	January 11, 2001,

[Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007]

Form 4.9: Cancellation, Modification or Extension of Chapter 598 Order.

Order of Protection AMENDED IN RE THE MARRIAGE OF	Case No. Judge(print or type name here)
AND	County State IOWA
Upon the Petition of, Petitioner,	CANCELLATION, MODIFICATION OR EXTENSION OF CHAPTER 598 ORDER
And Concerning, Respondent.	ISSUE DATE:
PROTECTED PARTY:	Other Protected Persons:
First Middle Last	
V. DEFENDANT:	DEFENDANT Date of Birth
First Middle Last ## Checked, FIREARMS WARNING for Law Enforcement	Address for Defendant (not shared address with Protected Party
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and th opportunity to be heard. Additional findings are set forth THE COURT HEREBY ORDERS: () The previous order is hereby cancelled as of (see #1 below) () This modified order expires on Additional terms of this order are as set forth below.	
Territory, and any tribal jurisdiction (18 U.S.C. § 2265). order may result in federal imprisonment (18 U.S.C. § 22	by the courts of any state, the District of Columbia, any U.S. Crossing state, territorial, or tribal boundaries to violate this 162). ting, shipping, or receiving any firearm or ammunition (18
Only the court can change this order.	
	County Clerk of Court at or
anytime with the	(law enforcement agency) at

Cancellation, Modification or Extension of Chapter 598 Order (cont'd)
On theday of, 20, this matter comes before the court regarding the Chapter 50 for the protection of for the protection of hereinafter designated as the protected party, and restraining (petitioner or respondent) (name)
hereinafter designated as the protected party, and restraining
(petitioner or respondent) (name)
(petitioner or respondent) (petitioner or respondent) (name) (name) hereinafter designated as the defendant.
The court finds (if checked) that
Protected party requests order be dismissed Protected party failed to appear for hearing There is insufficient evidence
The court ORDERS as follows (check the appropriate option(s) below):(1) The order is hereby canceled .
(2) The order is modified as follows:
The modification is effective () immediately. () upon service. To the extent not inconsistent herewith, the pri protective order shall also remain in force.
(3) The order is hereby extended .
(4) The clerk of court shall reflect this change in status on the domestic abuse registry and shall notify law e forcement regarding this order.
JUDGE, JUDICIAL DISTRICT
[] The County Sheriff shall serve and return service of this order upon the defendant.
[] The were personally served with a copy of the order by the court.
[] The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Co sections 236.5(5) and 664A.4.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at (If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.
[Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 200 effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007]

Form 4.10: Additional Protective Order Under Section 664A.7 and Order Setting Contempt

Order o	of Protection	Case No. Judge	(print c	or type name here)	
co	during business hours with the bunty Clerk of Court at with the	County	ADDITIONAL P UNDER SEC RDER SETTING ISSUE DATE:	TION 664A.7	AND
PETITIONER	PROTECTED PARTY:	Other Prot	ected Persons:		
First	Middle Last	-		500	- X 2004
RESPON	DENT/DEFENDANT:	RESPO	NDENT Date of	Birth	
First	Middle Last	Address f	for Respondent (not	shared address v	vith Protected Party
CAUTION:	If checked, FIREARMS WARNING for Law Enforcement	-		201	
portunity to be heard. HE COURT HEREB' the above named Respire above named Respire	e parties and subject matter, and the Additional findings are set forth b	elow.	of abuse or threats	of abuse.	le notice and

until sentencing.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)).

Only the court can change this order.

Additional Protective Order Under Section 664A.7 and Order Setting Contempt Hearing (cont'd) Respondent appears in accordance with Iowa Code section 236.11 and section 664A.3. The court FINDS (a) there is probable cause to believe that on ________, 20 ______, respondent violated a domestic se order dated _______ entered for the protection of _______ abuse order dated (name) designated as protected party; (b) the presence of respondent in the protected party's residence poses a threat to the safety of the protected party, persons residing with the protected party, or members of protected party's immediate family; and (c) a no contact order should therefore be entered pursuant to Iowa Code § 664A.3. (d) If checked, the court finds the respondent and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person"). IF (d) IS CHECKED, the court must check box 4, prohibiting the respondent from possessing firearms. Therefore, the court ORDERS as follows: 1. Conditions of release, if appropriate under section 664A.3, will be established by separate order. The terms of this order shall be additional conditions of release. 2. Respondent shall personally appear before the court for a contempt hearing on the , 20 ____, at ____o'clock __.m. at the _____County Courthouse, Room____, Iowa, and show cause why he/she should not be held in contempt of court. Respondent has a right to legal counsel at such hearing. Failure of the respondent to appear for this hearing may result in the arrest of respondent. Failure of the protected party to appear may result in the case being dismissed. 3. Respondent shall have no contact with the protected party and shall not harass the protected party, persons residing with the protected party, or members of the protected party's family. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. To the extent not inconsistent herewith, the prior protective order shall also remain in force. 4. If checked, the respondent shall not possess firearms while this order is in effect as a condition of release. Respondent shall deliver all firearms to the County Sheriff or ______, 20 _____. The respondent is advised that the issuance (law enforcement agency) on or before of this protective order may also affect the right to possess or acquire a firearm or ammunition under federal law. 18 U.S.C. §§ 922(d)(8), (g)(8).
This protective order is in effect immediately. The order may be extended prior to expiration, or at sentence. ing, for five years pursuant to sections 664A.5 (modification) or 664A.8 (extension) A ŘESPÔNDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST. Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order. 7. Bond is set at \$ [] 8. If checked, respondent qualifies for court-appointed counsel, and attorney is appointed. JUDGE, JUDICIAL DISTRICT Respondent was personally served with a copy of this order by the court. County Sheriff shall serve and return service upon the respondent, the petition/motion and this order at least two days prior to the hearing.] The clerk of court shall provide copies of this order to the protected party, county attorney, respondent, counsel of record (if any) and the _____ County Sheriff as required by Iowa Code sections 250.5(3) and 507A.7.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ()
______. If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942. [Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 2001,

effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007]

Form 4.11: No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7).

Order of Protection	Case No. Judge
This order can be verified during business hours with the County Clerk of Court at	County State IOWA
or anytime with the (law enforce-ment agency) at	NO CONTACT ORDER (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7) ISSUE DATE:
PROTECTED PARTY: First Middle Last	Other Protected Persons:
STATE OF IOWA V. DEFENDANT:	DEFENDANT Date of Birth
First Middle Last If checked, FIREARMS WARNING for Law Enforcement	Address for Defendant (not shared address with Protected Party)

THE COURT HEREBY FINDS:

It has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard. **Additional findings are set forth below.**

THE COURT HEREBY ORDERS:

The above named Defendant is restrained from committing further acts of abuse or threats of abuse.

The above named Defendant is restrained from any contact with the Protected Party.

Additional terms of this order are as set forth below.

This order shall remain in effect until modified or terminated by further written order of the court, until the case is dismissed, or until sentencing.

WARNINGS TO DEFENDANT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction. 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.

Federal and state laws provide penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. 18 U.S.C. § 922(g)(8); lowa Code Section 724.26(2)(a).

Only the court can change this order.

No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7). (cont'd) On the basis of the complaint or affidavit(s) submitted to the court at the time of the defendant's appearance, the court finds there is probable cause to believe that [] a domestic abuse assault has occurred (§ 708.2A) or [] defendant has violated a prior no contact order or consent agreement (§ 664A.7) and the presence of the defendant in the alleged victim's residence poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family. If checked, the court finds the defendant and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person" IF CHECKED, the court must check box 6, prohibiting the defendant from possessing firearms. Therefore, the court orders as follows: 1. Defendant shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel. 2. Defendant shall not be in the immediate vicinity of the residence or place of employment of the protected party. Defendant shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings. The defendant, personally or through a third party, shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party, persons residing with the protected party, or members of the protected party's family. Defendant shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. 4. If checked, defendant may enter the residence once in the company of a peace officer to retrieve defendant's clothing and work-related items. Defendant shall turn over to the law enforcement agency all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). The law enforcement agency shall contact the protected party to provide notice of the intent of the defendant to return to the residence and to accommodate the safety concerns of the protected party. 5. If checked, additional directives [] The Defendant shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition while this order is in effect pursuant to Iowa Code Section 724.26(2)(a) and as a condition of release. The Defendant shall deliver all firearms, ammunition, and offensive weapons to [Name of Law Enforcement Agency], [Address of Law Enforcement Agency], [City], lowa within 24 hours of release from jail. This protective order is in effect immediately. The order may be extended prior to expiration, or at sentencing, for five years pursuant to sections 664A.5 (modification) and 664A.8 (extension). 8. A DEFENDANT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST. Violation may occur even if the protected party (ies) consent(s) to prohibited contact. Only the court may release defendant from restrictions contained in this 9. Except as specifically set out herein, this order shall not be construed as an award of personal or real property to either the defendant or the protected party. 10. Bond is set at \$ 11. If checked, defendant qualifies for court-appointed counsel, and attorney is appointed JUDGE, JUDICIAL DISTRICT Defendant was personally served with a copy of this order by the court.

[Court Order February 18, 1997, effective March 21, 1997; amended March 13, 1998; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007; December 27, 2010; February 1, 2011]

[] The _____ County Sheriff shall serve and return service of this order upon defendant.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () ____

If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.

The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the _____County Sheriff as required by lowa Code sections 236.5(5) and 664A.4.

Form 4.12: Modification, Extension, or Cancellation of No Contact Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A or Misdemeanor Charge of Violating No Contact Order § 664A.7).

Order (Criminal Prosecution of Domestic Abuse Assault § 708.2A Case No. Order of Protection Judge **AMENDED** (print or type name here) This order can be verified during business hours with the **IOWA** State County County Clerk of Court at MODIFICATION, EXTENSION, OR or anytime with the CANCELLATION OF NO CONTACT ORDER (Criminal Prosecution of Domestic Abuse Assault § 708.2A or _ (law enforce-Misdemeanor Charge of Violating No Contact Order § 664A.7) ment agency) at ISSUE DATE: Other Protected Persons: PROTECTED PARTY: First Middle Last STATE OF IOWA **DEFENDANT** Date of Birth **DEFENDANT:** Address for Defendant (not shared address with Protected Party) First Middle Last CAUTION: FIREARMS WARNING for Law Enforcement THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard. Additional findings are set forth below. THE COURT HEREBY ORDERS: () The previous order is hereby cancelled as of , 20 (see #1 below) () This modified order expires on Additional terms of this order are as set forth below. WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)). Only the court can change this order.

	tension, or Cancellation of No Contact temeanor Charge of Violating No Contact		al Prosecution of Domestic Abuse Assault 7) (cont'd)
On the the No Contact On	day of rder entered on	, 20	, this matter is before the court regarding
The court OR	RDERS as follows (check the appropriat	e option(s) below	v):
(1) The	order is hereby canceled.		
(2) The	order is modified as follows:		
The modification protective order sl	is effective () immediately. () upor hall also remain in force.	n service. To the	e extent not inconsistent herewith, the prior
	e court finds the defendant continues to e order entered pursuant to Iowa Code se		to the safety of the protected party (ies). hereby extended .
(4) The cler forcement regardi		atus on the dome	estic abuse registry and shall notify law en-
	JUDGE,	JUDICIAL	DISTRICT
[] Defendant wa	as personally served with a copy of order by	the court.	
[] The clerk of any) and the	court shall provide copies of this order to the County Sheriff as required by	e protected party, o Iowa Code section	county attorney, defendant, counsel of record (if as 236.5(5) and 664A.4.
[] The	County Sheriff shall serve and return ser	rvice of this order	upon defendant.
NOTICE: If you h	ave a disability and need assistance to partici . If you are hearing-impaired, call Relay Iov	pate in court proce wa TTY at 1-800-	redings, please call the ADA Coordinator at () 735-2942.
February 15, 200			15, 2001; November 9, 2001, effective er 1, 2003; September 1, 2005, effective

Form 4.13: No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4).

Order of Protection	Case No	(print or type name he	re)
This order can be verified during business hours with the			IOWA
County Clerk of Court at	County	State	IOWA
or anytime with the	A CONTRACTOR OF THE PARTY OF	NO CONTACT ORD	(Table 1) The Control of the Contr
(law enforce-		osecution of Haras 11, Sexual Abuse § § 709.4)	
nent agency) at	ISS DA	UE TE:]
PROTECTED PARTY:	Other Protected Pe	rsons:	
First Middle Last			
STATE OF IOWA V. DEFENDANT:	DEFENDANT D	ate of Birth	- 1
First Middle Last	Address for Defend	dant (not shared address	with Protected Party)
CAUTION: FIREARMS WARNING for Law Enforcement			
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the opportunity to be heard. Additional findings are set forth b		provided with reasonal	ble notice and
THE COURT HEREBY ORDERS: The above named Defendant is restrained from committing fu The above named Defendant is restrained from any contact w Additional terms of this order are as set forth below.	rther acts of abuse or vith the Protected Part	y.	
This order shall remain in effect until modified or terminated b until sentencing.	y further written order	of the court, until the	case is dismissed, or

any U.S. Territory, and any tribal jurisdiction (18 U.S.C. § 2265). Crossing state, territo boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)).

Only the court can change this order.

No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or

§ 709.4) (cont'd) On the basis of the complaint or affidavit(s) submitted to the court at the time of the defendant's appearance, the court finds there is probable cause to believe that a violation of] Iowa Code section 708.7 Iowa Code section 708.11 Iowa Code section 709.2, 709.3, or 709.4 has occurred and 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 immediate family. If checked, the court finds the defendant and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited IF CHECKED, the court must check box 6, prohibiting the defendant from possessing firearms. Therefore, the court orders as follows: 1. Defendant shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel. 2. Defendant shall not be in the immediate vicinity of the residence or place of employment of the protected party. Defendant shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings. 3. The defendant, personally or through a third party, shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party, persons residing with the protected party, or members of the protected party's family. Defendant shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. 4. If checked, defendant may enter the shared residence once in the company of a peace officer to retrieve defendant's clothing and work-related items. Defendant shall turn over to the law enforcement agency all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). The law enforcement agency shall contact the protected party to provide notice of the intent of the defendant to return to the residence and to accommodate the safety concerns of the protected party. 5. If checked, additional directives 6. If checked, the defendant shall not possess firearms while this order is in effect as a condition of release. Defendant shall deliver all firearms to the County Sheriff or enforcement agency) on or before , 20 ____. The defendant is advised that the issuance of this protective order may also affect the right to possess or acquire a firearm or ammunition under federal law. 18 U.S.C. §§ 922(d)(8), (g)(8).
7. This protective order is in effect immediately. The order may be extended prior to expiration or at sentencing for five years pursuant to section 664A.5 (modification) or section 664A.8 (extension). 8. A DEFENDANT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST. Violation may occur even if the protected party (ies) consent(s) to prohibited contact. Only the court may release defendant from restrictions contained in this order. 9. Except as specifically set out herein, this order shall not be construed as an award of personal or real property to either the defendant or the protected party. 10. Bond is set at \$ 11. If checked, defendant qualifies for court-appointed counsel, and attorney appointed. JUDGE, JUDICIAL DISTRICT Defendant was personally served with a copy of this order by the court.

The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if County Sheriff as required by Iowa Code sections 236.5(5) and 664A.4.

County Sheriff shall serve and return service of this order upon defendant. NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at ()

________. If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942. [Court Order April 2, 1999; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; July 11, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective

November 1, 2005; January 30, 2007]

Form 4.14: Modification, Extension, or Cancellation of No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4.)

Order of Protection	Case No. Judge		
This order can be verified during business hours with the County Clerk of Court at	County State IOWA		
or anytime with the	MODIFICATION, EXTENSION, OR		
ment agency) at	CANCELLATION OF NO CONTACT ORDER (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4 ISSUE DATE:		
PROTECTED PARTY: First Middle Last	Other Protected Persons:		
STATE OF IOWA V. DEFENDANT:	DEFENDANT Date of Birth		
First Middle Last GAUTION: If checked, FIREARMS WARNING for Law Enforcement	Address for Defendant (not shared address with Protected Party)		
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the opportunity to be heard. Additional findings are set forth I THE COURT HEREBY ORDERS:			
() The previous order is hereby cancelled as of (see #1 below)	, 20		
() This modified order expires on			
Additional terms of this order are as set forth below.			
	by the courts of any state, the District of Columbia, any U.S. Crossing state, territorial, or tribal boundaries to violate this 62).		

Only the court can change this order.

Modification, Extension, or Cancellation of No Contact Order (Criminal Prosecution of Harassment § 708.7, Stalking § 708.11, Sexual Abuse § 709.2, § 709.3, or § 709.4 (cont'd)
On the day of, 20, this matter is before the court regarding the No Contact Order entered on
The court ORDERS as follows (check the appropriate option(s) below):
(1) The order is hereby canceled .
(2) The order is modified as follows:
The modification is effective () immediately. () upon service. To the extent not inconsistent herewith, the prior protective order shall also remain in force.
(3) The court finds the defendant continues to pose a threat to the safety of the protected party (ies). THEREFORE the order entered pursuant to Iowa Code Chapter 708 or 709 is hereby extended .
(4) The clerk of court shall reflect this change in status on the domestic abuse registry and shall notify law enforcement regarding this order.
JUDGE, JUDICIAL DISTRICT
[] Defendant was personally served with a copy of this order by the court.
[] The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the County Sheriff as required by Iowa Code sections 236.5(5) and 664A.4.
[] The County Sheriff shall serve and return service of this order upon defendant.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () . If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.
[Court Order April 2, 1999; January 11, 2001, effective February 15, 2001; November 9, 2001, effective February 15, 2002; July 11, 2002; August 28, 2003, effective October 1, 2003; September 1, 2005, effective November 1, 2005; January 30, 2007]

Form 4.15: Order for Sentencing, § 664A.5.

						4
Order of Protection		Case No. Judge				
This order can be verified during business hours with the County Clerk of Court at or anytime with the (law enforce- ment agency) at				State		
	PROT	Middle	PARTY:	Other Protected Persons	S:	
n.	STATE OF IOWA V. DEFENDANT:			DEFENDANT Date	of Birth	
	First CAUTION:	Middle	Last If checked, FIREARMS WARNING for Law Enforcement	Address for Defendant (not shared address v	vith Protected Party)
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard. Additional findings are set forth below. THE COURT HEREBY ORDERS: The above named Defendant is restrained from committing further acts of abuse or threats of abuse. The above named Defendant is restrained from any contact with the Petitioner/Protected Party. Additional terms of this order and exceptions to the above provisions are as set forth below. This order shall remain in effect until unless it is modified, terminated, or extended by further written order of the court. WARNINGS TO RESPONDENT:						
Thi any	s order shall be e U.S. Territory, a	enforced, nd any tr	even without registrati ibal jurisdiction. 18 U.S der may result in federa	S.C. § 2265. Crossing s	state, territorial,	

Federal and state laws provide penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. 18 U.S.C. § 922(g)(8); lowa Code Section 724.26(2)(a).

Only the court can change this order.

Order for Sentencing, § 664A.5 (cont'd)
The defendant has been convicted of the following crime(s):
The court finds the presence of or contact with the defendant poses a threat to the safety of
(Please check one of the following for appropriate coding in the Mandatory Arrest Protective Order Registry) [] INTIMATE PARTNER. If checked, the court finds the defendant and protected party meet the definition of intimate partners as defined in 18 U.S.C. § 921(a)(32) ("intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person"). [Registry order type D] IF CHECKED, the court must check box 5, prohibiting the defendant from possessing, shipping, transporting or receiving any firearms, offensive weapons or ammunition.
OR
[] OTHER. If checked, the court finds the relationship status of the defendant and protected party is other than the federal "Intimate Partner" definition. [Registry order type I]
Therefore, the court orders as follows:
Defendant shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel. Defendant shall not be in the immediate vicinity of the residence or place of employment of the protected party. Defendant shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings. The defendant, personally or through a third party, shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party, persons residing with the protected party, or members of the protected party's family. Defendant shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury. In the checked, additional directives
[] 5. The Defendant has been convicted of domestic abuse assault under lowa Code Section 708.2A. Therefore, the Defendant shall not possess, ship, transport, or receive firearms, offensive weapons, or ammunition unless such rights have been restored in accordance with lowa Code Section 724.27. Defendant shall deliver all firearms, ammunition, and offensive weapons to the
JUDGE,JUDICIAL DISTRICT
Defendant was personally served with a copy of this order by the court. The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the County Sheriff. The County Sheriff shall serve and return service of this order upon defendant.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at () If you are hearing-impaired, call Relay lowa TTY at 1-800-735-2942.

[Court Order September 1, 2005, effective November 1, 2005; January 30, 2007; December 27, 2010]

Form 4.16: Modification, Extension, or Cancellation of Order for Sentencing § 664A.5 (modification or cancellation), § 664A.8 (extension).

Order of Protection	Case No. Judge		
This order can be verified during business hours with the County Clerk of Court at	County State IOWA		
or anytime with the (law enforce-			
PROTECTED PARTY: First Middle Last	Other Protected Persons:		
STATE OF IOWA V. DEFENDANT:	DEFENDANT Date of Birth		
First Middle Last	Address for Defendant (not shared address with Protected Party)		
CAUTION: If checked, FIREARMS WARNING for Law Enforcement			
THE COURT HEREBY FINDS: It has jurisdiction over the parties and subject matter, and the opportunity to be heard. Additional findings are set forth ITHE COURT HEREBY ORDERS: () The previous order is hereby cancelled as of (see #1 below) () This modified order expires on Additional terms of this order are as set forth below.			
Territory, and any tribal jurisdiction (18 U.S.C. § 2265). Order may result in federal imprisonment (18 U.S.C. § 22	by the courts of any state, the District of Columbia, any U.S. Crossing state, territorial, or tribal boundaries to violate this 62). ting, shipping, or receiving any firearm or ammunition (18		

Modification, Extension, or Cancellation of Order for Sentencing § 664A.5; 664A.8 (cont'd)
On the day of, 20, this matter is before the court regarding the No Contact Order entered on
The court ORDERS as follows (check the appropriate option(s) below):
(1) The order is hereby canceled.
(2) The order is modified as follows:
The modification is effective () immediately. () upon service. To the extent not inconsistent herewith, the prior protective order shall also remain in force.
(3) The court finds the defendant continues to pose a threat to the safety of the protected party (ies) THEREFORE the order entered pursuant to Iowa Code Chapter 664A is hereby extended .
(4) The clerk of court shall reflect this change in status on the domestic abuse registry and shall notify law enforcement regarding this order.
JUDGE, JUDICIAL DISTRICT
[] Defendant was personally served with a copy of this order by the court.
[] The clerk of court shall provide copies of this order to the protected party, county attorney, defendant, counsel of record (if any) and the County Sheriff.
[] The County Sheriff shall serve and return service of this order upon defendant.
NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at (If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.
[Court Order September 1, 2005, effective November 1, 2005; January 30, 2007]

CHAPTER 5 RULES OF EVIDENCE

ARTICLE I GENERAL PROVISIONS

GENERAL PROVISIONS				
Rule 5.101	Scope; definitions			
Rule 5.102	Purpose			
Rule 5.103	Rulings on evidence			
Rule 5.104	Preliminary questions			
Rule 5.105	Limiting evidence that is not admissible against other parties or for other			
	purposes			
Rule 5.106	Remainder of related acts, declarations, conversations, writings, or			
	recorded statements			
Rules 5.107 to 5.200	Reserved			
	A Democratic			
	ARTICLE II JUDICIAL NOTICE			
Rule 5.201	Judicial notice of adjudicative facts			
Rules 5.202 to 5.300	Reserved			
	ADTICLE III			
	ARTICLE III PRESUMPTIONS IN CIVIL CASES			
Rule 5.301	Presumptions in civil cases generally			
Rules 5.302 to 5.400	Reserved			
	ADTICLE IV			
	ARTICLE IV RELEVANCE AND ITS LIMITS			
Rule 5.401	Test for relevant evidence			
Rule 5.402	General admissibility of relevant evidence			
Rule 5.403	Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons			
Rule 5.404	Character evidence; crimes or other acts			
Rule 5.405	Methods of proving character			
Rule 5.406	Habit; routine practice			
Rule 5.407	Subsequent remedial measures			
Rule 5.408	Compromise offers and negotiations			
Rule 5.409	Payment of expenses			
Rule 5.410	Pleas, plea discussions, and related statements			
Rule 5.411	Liability insurance			
Rule 5.412	Sexual abuse cases; victim's past sexual behavior			
Rules 5.413 to 5.500	Reserved			
ARTICLE V PRIVILEGES				
Rule 5.501	Privilege in general			
Rule 5.502	Attorney-client privilege and work product; limitations on waiver			
Rules 5.503 to 5.600	Reserved			
	ARTICLE VI WITNESSES			
Rule 5.601	Competency to testify in general			
Rule 5.602	Need for personal knowledge			
Rule 5.603	Oath or affirmation to testify truthfully			
Rule 5.604	Interpreter			
D 1 - 60-				

Judge's competency as a witness

Rule 5.605

Rule 5.606 Rule 5.607 Rule 5.608 Rule 5.609 Rule 5.610 Rule 5.611 Rule 5.612 Rule 5.613	Juror's competency as a witness Who may impeach a witness Witness's character for truthfulness or untruthfulness Impeachment by evidence of a criminal conviction Religious beliefs or opinions Mode and order of examining witnesses and presenting evidence Writing used to refresh a witness's memory Witness's prior statement			
Rule 5.614 Rule 5.615 Rules 5.616 to 5.700	Court's calling or examining a witness Excluding witnesses Reserved			
	ARTICLE VII OPINIONS AND EXPERT TESTIMONY			
Rule 5.701 Rule 5.702 Rule 5.703 Rule 5.704 Rule 5.705 Rule 5.706 Rules 5.707 to 5.800	Opinion testimony by lay witnesses Testimony by expert witnesses Bases of an expert's opinion testimony Opinion on an ultimate issue Disclosing the facts or data underlying an expert's opinion Court-appointed expert witnesses Reserved			
	ARTICLE VIII HEARSAY			
Rule 5.801 Rule 5.802 Rule 5.803	Definitions that apply to this Article; exclusions from hearsay The rule against hearsay Exceptions to the rule against hearsay—regardless of whether the			
Rule 5.804	declarant is available as a witness Exceptions to the rule against hearsay—when the declarant is unavailable as a witness			
Rule 5.805 Rule 5.806	Hearsay within hearsay Attacking and supporting the declarant's credibility			
Rule 5.807	Residual exception			
Rules 5.808 to 5.900	Reserved			
	ARTICLE IX AUTHENTICATION AND IDENTIFICATION			
Rule 5.901 Rule 5.902 Rule 5.903 Rules 5.904 to 5.1000	Authenticating or identifying evidence Evidence that is self-authenticating Subscribing witness's testimony Reserved			
ARTICLE X CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS				
Rule 5.1001	Definitions that apply to this article			
Rule 5.1002 Rule 5.1003	Requirement of the original Admissibility of duplicates			
Rule 5.1004	Admissibility of other evidence of content			
Rule 5.1005 Rule 5.1006	Copies of public records to prove content Summaries to prove content			
Rule 5.1007	Testimony or statement of a party to prove content			
Rule 5.1008	Functions of the court and jury			
Rules 5.1009 to 5.1100	Reserved			
	ADTICLE VI			

ARTICLE XI MISCELLANEOUS RULES

Rule 5.1102 Reserved Rule 5.1103 Title

CHAPTER 5 RULES OF EVIDENCE

ARTICLE IGENERAL PROVISIONS

Rule 5.101 Scope; definitions.

- a. Scope. These rules apply to proceedings in the courts of this state to the extent and with the exceptions stated in rule 5.1101.
 - b. Definitions. In these rules:
 - (1) "Civil case" means a civil action or proceeding.
 - (2) "Criminal case" includes a criminal proceeding.
 - (3) "Public office" includes a public agency.
 - (4) "Record" includes a memorandum, report, or data compilation.
 - (5) "Other Iowa Supreme Court rule" means a rule the Iowa Supreme Court has adopted.
- (6) A reference to any kind of written material or any other medium includes electronically stored information.
- (7) "Victim" includes an alleged victim. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.102 Purpose. These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.103 Rulings on evidence.

- a. Preserving a claim of error. A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and:
 - (1) If the ruling admits evidence, a party, on the record:
 - (A) Timely objects or moves to strike; and
 - (B) States the specific ground, unless it was apparent from the context; or
- (2) If the ruling excludes evidence, a party informs the court of its substance by an offer of proof, unless the substance was apparent from the context.
- b. Not needing to renew an objection or offer of proof. Once the court rules definitively on the record—either before or at trial—a party need not renew an objection or offer of proof to preserve a claim of error for appeal.
- c. Court's statement about the ruling; directing an offer of proof. The court may make any statement about the character or form of the evidence, the objection made, and the ruling. The court may direct that an offer of proof be made in question-and-answer form.
- d. Preventing the jury from hearing inadmissible evidence. To the extent practicable, the court must conduct a jury trial so that inadmissible evidence is not suggested to the jury by any means. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.104 Preliminary questions.

- a. In general. Subject to rule 5.104(b), the court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege.
- b. Relevance that depends on a fact. When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later.
- c. Conducting a hearing so that the jury cannot hear it. The court must conduct any hearing on a preliminary question so that the jury cannot hear it if:
 - (1) The hearing involves the admissibility of a confession;
 - (2) A defendant in a criminal case is a witness and so requests; or
 - (3) Justice so requires.

- d. Cross-examining a defendant in a criminal case. By testifying on a preliminary question, a defendant in a criminal case does not become subject to cross-examination on other issues in the case. Testimony given by a defendant in a criminal case upon a preliminary question is not admissible against the defendant on the issue of guilt but may be used for impeachment if inconsistent with defendant's testimony at trial.
- e. Evidence relevant to weight and credibility. This rule does not limit a party's right to introduce before the jury evidence that is relevant to the weight or credibility of other evidence. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]
- Rule 5.105 Limiting evidence that is not admissible against other parties or for other purposes. If the court admits evidence that is admissible against a party or for a purpose—but not against another party or for another purpose—the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.106 Remainder of related acts, declarations, conversations, writings, or recorded statements.

- a. If a party introduces all or part of an act, declaration, conversation, writing, or recorded statement, an adverse party may require the introduction, at that time, of any other part or any other act, declaration, conversation, writing, or recorded statement that in fairness ought to be considered at the same time.
- b. Upon an adverse party's request, the court may require the offering party to introduce at the same time with all or part of the act, declaration, conversation, writing, or recorded statement, any other part or any other act, declaration, conversation, writing, or recorded statement that is admissible under rule 5.106(a). Rule 5.106(b), however, does not limit the right of any party to develop further on cross-examination or in the party's case in chief matters admissible under rule 5.106(a). [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rules 5.107 to 5.200 Reserved.

ARTICLE II JUDICIAL NOTICE

Rule 5.201 Judicial notice of adjudicative facts.

- a. Scope. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
- b. Kinds of facts that may be judicially noticed. The court may judicially notice a fact that is not subject to reasonable dispute because it:
 - (1) Is generally known within the trial court's territorial jurisdiction; or
- (2) Can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.
 - c. Taking notice. The court:
 - (1) May take judicial notice on its own; or
- (2) Must take judicial notice if a party requests it and the court is supplied with the necessary information.
 - d. Timing. The court may take judicial notice at any stage of the proceeding.
- e. Opportunity to be heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.
- f. Instructing the jury. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

ARTICLE III PRESUMPTIONS IN CIVIL CASES

Rule 5.301 Presumptions in civil cases generally. These rules do not modify or supersede existing law relating to presumptions in civil cases.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rules 5.302 to 5.400 Reserved.

ARTICLE IV RELEVANCE AND ITS LIMITS

Rule 5.401 Test for relevant evidence. Evidence is relevant if:

- a. It has any tendency to make a fact more or less probable than it would be without the evidence; and
- b. The fact is of consequence in determining the action. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]
- Rule 5.402 General admissibility of relevant evidence. Relevant evidence is admissible, unless any of the following provide otherwise: the United States Constitution or Iowa Constitution, statute, these rules, or other Iowa Supreme Court rule. Irrelevant evidence is not admissible. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]
- Rule 5.403 Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons. The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.404 Character evidence; crimes or other acts.

- a. Character evidence.
- (1) *Prohibited acts*. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
 - (2) Exceptions for a defendant or victim.
 - (A) In criminal cases.
- (i) A defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it.
- (ii) Subject to the limitations in rule 5.412, a defendant may offer evidence of the victim's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it.
- (iii) When the victim is unavailable to testify due to death or physical or mental incapacity, the prosecutor may offer evidence of the victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
 - (B) In civil cases.
- (i) Evidence of an alleged victim's character for violence may be offered on the issue of self-defense by a party accused of assaultive conduct against the victim.
- (ii) If evidence of a victim's character for violence is admitted, any party may offer evidence of the victim's peaceful character to rebut it.
- (3) Exceptions for a witness. Evidence of a witness's character may be admitted under rules 5.607, 5.608, and 5.609.
 - b. Crimes, wrongs, or other acts.
- (1) *Prohibited use*. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted uses*. This evidence may be admissible for another purpose such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.405 Methods of proving character.

- a. By reputation or opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.
- b. By specific instances of conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.406 Habit; routine practice. Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.407 Subsequent remedial measures. When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct. But the court may admit this evidence when offered on a manufacturing defect claim based on strict liability in tort, breach of warranty, or when offered for another purpose, such as impeachment or—if disputed—proving ownership, control, or feasibility of precautionary measures.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.408 Compromise offers and negotiations.

- a. Prohibited uses. Evidence of the following is not admissible—on behalf of any party—to prove the validity or amount of a disputed claim:
- (1) Furnishing, promising, or offering—or accepting, promising to accept, or offering to accept—a valuable consideration in compromising or attempting to compromise the claim that was disputed on either validity or amount.
 - (2) Conduct or a statement made during compromise negotiations about the claim.
- *b. Exceptions*. The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.409 Payment of expenses. Evidence of furnishing, promising to pay, or offering to pay expenses resulting from an injury is not admissible to prove liability for the injury. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.410 Pleas, plea discussions, and related statements.

- a. Prohibited uses. In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:
 - (1) A guilty plea that was later withdrawn.
 - (2) A nolo contendere plea.
- (3) A statement made during a proceeding on either of those pleas under Fed. R. Crim. P. 11, Iowa R. Crim. P. 2.10, or a comparable state procedure.

- (4) A statement made during plea discussions with an attorney for the prosecuting authority if the discussions do not result in a guilty plea or they resulted in a later-withdrawn guilty plea.
 - b. Exceptions. The court may admit a statement described in rule 5.410(a)(3) or (4):
- (1) In any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together.
- (2) In a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

[Report 1983; July 31, 1987, effective October 1, 1987; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.411 Liability insurance. Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or prejudice or proving agency, ownership, or control.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.412 Sexual abuse cases; victim's past sexual behavior.

- a. Prohibited uses. The following evidence is not admissible in a criminal proceeding involving alleged sexual abuse:
 - (1) Reputation or opinion evidence offered to prove that a victim engaged in other sexual behavior.
 - (2) Evidence of a victim's other sexual behavior other than reputation or opinion evidence.
 - b. Exceptions.
 - (1) Criminal cases. The court may admit the following evidence in a criminal case:
- (A) Evidence of specific instances of a victim's sexual behavior, if offered to prove that someone other than the defendant was the source of semen, injury, or other physical evidence.
- (B) Evidence of specific instances of a victim's sexual behavior with respect to the person accused of sexual abuse, if the defendant offers it to prove consent.
 - (C) Evidence whose exclusion would violate the defendant's constitutional rights.
 - (2) Civil cases. Rule 5.412(b) does not apply in civil cases.
 - c. Procedure to determine admissibility.
- (1) *Motion*. If the defendant in a criminal sexual abuse case intends to offer evidence under rule 5.412(b), the defendant must:
- (A) File a motion to offer the evidence at least 14 days before trial unless the court determines that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence, or that the evidence relates to an issue that has newly arisen in the case, and the court sets a different time.
- (B) Serve the motion on all parties and on the victim, or when appropriate, the victim's guardian or representative.
- (C) File with the motion an offer of proof that specifically describes the evidence and states the purpose for which the evidence is to be offered.
- (2) *Hearing*. If the court determines that the offer of proof contains evidence described in rule 5.412(b), the court must conduct a hearing in camera to determine if such evidence is admissible.
 - (A) At the hearing the parties may call witnesses, including the victim, and offer relevant evidence.
- (B) Notwithstanding rule 5.104(b), if the relevance of the evidence depends on the fulfillment of a condition of fact, the court, during a hearing in camera, must accept evidence on whether the condition of fact is fulfilled.
- (C) If the court determines that the evidence is relevant and that the probative value outweighs the danger of unfair prejudice, the evidence will be admissible at trial to the extent the court specifies, including the evidence on which the victim may be examined or cross-examined.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

ARTICLE V PRIVILEGES

Rule 5.501 Privilege in general. Nothing in these rules modifies or supersedes existing law governing a claim of privilege.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

- Rule 5.502 Attorney-client privilege and work product; limitations on waiver. The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.
- a. Disclosure made in a court or agency proceeding; scope of a waiver. When the disclosure is made in a court or agency proceeding and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information only if:
 - (1) The waiver is intentional;
- (2) The disclosed and undisclosed communications or information concern the same subject matter; and
 - (3) They ought in fairness to be considered together.
- b. Inadvertent disclosure. When made in a court or agency proceeding, the disclosure does not operate as a waiver if:
 - (1) The disclosure is inadvertent;
 - (2) The holder of the privilege or protection took reasonable steps to prevent disclosure; and
- (3) The holder promptly took reasonable steps to rectify the error, including (if applicable) following Iowa Rule of Civil Procedure 1.503(5)(b).
- c. Disclosure made in a federal or state proceeding. When a disclosure is made in a federal or state proceeding and is not the subject of a federal or state court order concerning waiver, the disclosure does not operate as a waiver in an Iowa proceeding if the disclosure:
 - (1) Would not be a waiver under this rule if it had been made in an Iowa proceeding; or
 - (2) Is not a waiver under the law of the jurisdiction where the disclosure occurred.
- d. Controlling effect of a court order. A court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other proceeding.
- e. Controlling effect of a party agreement. An agreement on the effect of disclosure in a state proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.
- f. Controlling effect of this rule. Notwithstanding rules 5.101 and 5.1101, this rule applies to all proceedings in the circumstances set out in the rule.
 - g. Definitions. In this rule:
- (1) "Attorney-client privilege" means the protection that applicable law provides for confidential attorney-client communications.
- (2) "Work-product protection" means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial. [Report April 2, 2009; effective June 1, 2009; September 28, 2016, effective January 1, 2017]

Rules 5.503 to 5.600 Reserved.

ARTICLE VI WITNESSES

Rule 5.601 Competency to testify in general. Every person is competent to be a witness unless a statute or rule provides otherwise.

[Report 1983; 1985 Iowa Acts, ch 174, §16; 1990 Iowa Acts, ch 1015; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.602 Need for personal knowledge. A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.

Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under rule 5.703.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.603 Oath or affirmation to testify truthfully. Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the witness's conscience.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.604 Interpreter. An interpreter must be qualified under Iowa Court Rules chapter 47 and must give an oath or affirmation to interpret accurately during the proceeding to the best of the interpreter's ability.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.605 Judge's competency as a witness. The presiding judge may not testify as a witness at the trial. A party need not object to preserve the issue.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.606 Juror's competency as a witness.

- a. At the trial. A juror may not testify as a witness before the other jurors at the trial. If a juror is called to testify, the court must give a party an opportunity to object outside the jury's presence.
 - b. During an inquiry into the validity of a verdict or indictment.
- (1) Prohibited testimony or other evidence. During an inquiry into the validity of a verdict or indictment, a juror may not testify about any statement made or incident that occurred during the jury's deliberations; the effect of anything upon that juror's or another juror's vote; or any juror's mental processes concerning the verdict or indictment. The court may not receive a juror's affidavit or evidence of a juror's statement on these matters.
 - (2) Exceptions. A juror may testify about whether:
 - (A) Extraneous prejudicial information was improperly brought to the jury's attention.
 - (B) An outside influence was improperly brought to bear on any juror.
 - (C) A mistake was made in entering the verdict on the verdict form.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.607 Who may impeach a witness. Any party, including the party that called the witness, may attack the witness's credibility.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.608 Witness's character for truthfulness or untruthfulness.

- a. Reputation or opinion evidence. A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- b. Specific instances of conduct. Except for a criminal conviction under rule 5.609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 - (1) The witness; or
 - (2) Another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.609 Impeachment by evidence of a criminal conviction.

- a. In general. The following apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
- (1) For a crime that in the convicting jurisdiction was punishable by death or by imprisonment for more than one year, the evidence:
- (A) Must be admitted, subject to rule 5.403, in a civil case or in a criminal case in which the witness is not a defendant.
- (B) Must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant.
- (2) For any crime regardless of the punishment, the evidence must be admitted if the crime involved dishonesty or false statement.
- b. Limit on using the evidence after ten years. This subdivision (b) applies if more than ten years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if:
- (1) Its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and
- (2) The proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.
- c. Effect of pardon, annulment, or certificate of rehabilitation. Evidence of a conviction is not admissible if:
- (1) The conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
- (2) The conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- d. Juvenile adjudications. Evidence of a juvenile adjudication is admissible under this rule only if:
 - (1) It is offered in a criminal case;
 - (2) The adjudication was of a witness other than the defendant;
 - (3) An adult's conviction for that offense would be admissible to attack the adult's credibility; and
 - (4) Admitting the evidence is necessary to fairly determine guilt or innocence.
- e. Pendency of an appeal. A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency of the appeal is also admissible.

[Report 1983; Court Order December 7, 1995, effective March 1, 1996; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.610 Religious beliefs or opinions. Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.611 Mode and order of examining witnesses and presenting evidence.

- a. Control by the court; purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
 - (1) Make those procedures effective for determining the truth.
 - (2) Avoid wasting time.
 - (3) Protect witnesses from harassment or undue embarrassment.
- b. Scope of cross-examination. Cross-examination should not go beyond the subject matter of the direct examination and matters affecting the witness's credibility. The court may allow inquiry into additional matters as if on direct examination.
- c. Leading questions. Leading questions should not be used on direct examination except as necessary to develop the witness's testimony. Ordinarily the court should allow leading questions:
 - (1) On cross-examination; and
- (2) When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

[Report 1983; amended February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.612 Writing used to refresh a witness's memory.

- *a. Scope.* This rule gives an adverse party certain options when a witness uses a writing to refresh memory:
 - (1) While testifying; or
 - (2) Before testifying, if the court decides that justice requires the party to have those options.
- b. Adverse party's options; deleting unrelated matter. Unless Iowa Rule of Criminal Procedure 2.14 provides otherwise in a criminal case, an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce into evidence any portion that relates to the witness's testimony. If the producing party claims that the writing contains unrelated matter, the court must examine the writing in camera, delete any unrelated portion, and order that the rest be delivered to the adverse party. Any portion deleted over objection must be preserved for the record.
- c. Failure to produce or deliver the writing. If a writing is not produced or is not delivered as ordered, the court may issue any appropriate order. But if the prosecution does not comply in a criminal case, the court must strike the witness's testimony or—if justice so requires—declare a mistrial.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.613 Witness's prior statement.

- a. Showing or disclosing the statement during examination. When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.
- b. Extrinsic evidence of a prior inconsistent statement. Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under rule 5.801(d)(2). [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.614 Court's calling or examining a witness.

- a. Calling. For good cause in exceptional cases, the court may call a witness on its own or at a party's request. Each party is entitled to cross-examine the witness.
- b. Examining. When necessary, the court may examine a witness regardless of who calls the witness.
- c. Objections. A party may object to the court's calling or examining a witness either at that time or at the next opportunity when the jury is not present.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

- **Rule 5.615 Excluding witnesses.** At a party's request the court may order witnesses excluded so that they cannot hear other witness's testimony. Or the court may do so on its own. But this rule does not authorize excluding:
 - a. A party who is a natural person.
- b. An officer or employee of a party that is not a natural person, after being designated as the party's representative by its attorney.
 - c. A person whose presence a party shows to be essential to presenting the party's claim or defense.
 - d. A person authorized by statute to be present.

[Report 1983; November 9, 2001, effective February 15, 2002; April 2, 2009, effective June 1, 2009; September 28, 2016, effective January 1, 2017]

Rules 5.616 to 5.700 Reserved.

ARTICLE VII OPINIONS AND EXPERT TESTIMONY

Rule 5.701 Opinion testimony by lay witnesses. If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- a. Rationally based on the witness's perception;
- b. Helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- c. Not based on scientific, technical, or other specialized knowledge within the scope of rule 5.702. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.702 Testimony by expert witnesses. A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.703 Bases of an expert's opinion testimony. An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.704 Opinion on an ultimate issue. An opinion is not objectionable just because it embraces an ultimate issue.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.705 Disclosing the facts or data underlying an expert's opinion. Unless the court orders otherwise, an expert may state an opinion—and give the reasons for it—without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.706 Court-appointed expert witnesses.

- a. Appointment process. On a party's motion the court may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. The court may appoint any expert that the parties agree on and any of its own choosing. But the court may only appoint someone who consents to act.
- b. Expert's role. The court must inform the expert of the expert's duties. The court may do so in writing and have a copy filed with the clerk or may do so orally at a conference in which the parties have an opportunity to participate. The expert:
 - (1) Must advise the parties of any findings the expert makes.
 - (2) May be deposed by any party.
 - (3) May be called to testify by the court or any party.
 - (4) May be cross-examined by any party, including the party that called the expert.
- c. Compensation. The expert is entitled to a reasonable compensation as set by the court. Except as otherwise provided by law, the compensation must be paid by the parties in the proportion and at the time that the court directs, and the compensation is then charged like other costs.
- d. Disclosing the appointment to the jury. The court may authorize disclosure to the jury that the court appointed the expert.
- e. Parties' choice of their own experts. Rule 5.706 does not limit a party in calling its own experts. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rules 5.707 to 5.800 Reserved.

ARTICLE VIII HEARSAY

Rule 5.801 Definitions that apply to this Article; exclusions from hearsay.

- a. Statement. "Statement" means a person's:
- (1) Oral assertion or written assertion; or
- (2) Nonverbal conduct, if intended as an assertion.
- b. Declarant. "Declarant" means the person who made the statement.
- c. Hearsay. "Hearsay" means a statement that:
- (1) The declarant does not make while testifying at the current trial or hearing; and
- (2) A party offers into evidence to prove the truth of the matter asserted in the statement.
- d. Statements that are not hearsay. A statement that meets the following conditions is not hearsay:
- (1) A declarant-witness's prior statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
- (A) Is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
- (B) Is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - (C) Identifies a person as someone the declarant perceived earlier.
 - (2) An opposing party's statement. The statement is offered against an opposing party and:
 - (A) Was made by the party in an individual or representative capacity;
 - (B) Is one the party manifested that it adopted or believed to be true;
 - (C) Was made by a person whom the party authorized to make a statement on the subject;
- (D) Was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
- (E) Was made by the party's coconspirator during and in furtherance of the conspiracy. Prior to admission of hearsay evidence under rule 5.801(d)(2)(E), the trial court must make a preliminary finding, by a preponderance of evidence, that there was a conspiracy, that both the declarant and the party against whom the statement is offered were members of the conspiracy, and that the statements were made in the course and in furtherance of the conspiracy.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.802 The rule against hearsay. Hearsay is not admissible unless any of the following provide otherwise: the Constitution of the State of Iowa; a statute; these rules of evidence; or an Iowa Supreme Court rule.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.803 Exceptions to the rule against hearsay—regardless of whether the declarant is available as a witness. The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

- (1) *Present sense impression*. A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) Excited utterance. A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) Then existing mental, emotional, or physical condition. A statement of the declarant's then existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
 - (4) Statement made for medical diagnosis or treatment. A statement that:
 - (A) Is made for—and is reasonably pertinent to—medical diagnosis or treatment; and
- (B) Describes medical history, past or present symptoms or sensations, or the inception or general cause of symptoms or sensations.
 - (5) Recorded recollection. A record that:
- (A) Is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;

- (B) Was made or adopted by the witness when the matter was fresh in the witness's memory; and
- (C) Accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence, but it may be received as an exhibit only if offered by an adverse party.

- (6) Records of a regularly conducted activity. A record of an act, event, condition, opinion, or diagnosis if:
- (A) The record was made at or near the time by—or from information transmitted by—someone with knowledge;
- (B) The record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - (C) Making the record was a regular practice of that activity;
- (D) All these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with rule 5.902(11) or rule 5.902(12) or with a statute permitting certification; and
- (E) The opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.
- (7) Absence of a record of regularly conducted activity. Evidence that a matter is not included in a record described in rule 5.803(6) if:
 - (A) The evidence is admitted to prove that the matter did not occur or exist;
 - (B) A record was regularly kept for a matter of that kind; and
- (C) The opponent does not show that the possible source of the information or other circumstances indicate a lack of trustworthiness.
 - (8) Public records.
- (A) To the extent not otherwise provided in rule 5.803(8)(B), a record or statement of a public office or agency if it sets out:
 - (i) Its regularly conducted and regularly recorded activities;
 - (ii) Matters observed while under a legal duty to report; or
 - (iii) Factual findings from a legally authorized investigation.

Rule 5.803(8)(A) does not apply if the opponent shows that the source of the information or other circumstances indicate a lack of trustworthiness.

- (B) The following are not within this public records exception to the hearsay rule:
- (i) Investigative reports by police and other law enforcement personnel.
- (ii) Investigative reports prepared by or for a government, a public office, or an agency when offered by it in a case in which it is a party.
 - (iii) Factual findings offered by the state or a political subdivision in criminal cases.
- (iv) Factual findings resulting from special investigation of a particular complaint, case, or incident. Rule 5.803(8)(B) does not supersede specific statutory provisions regarding the admissibility of particular public records and reports.
- (9) *Public records of vital statistics*. A record of a birth, fetal death, adoption, death, marriage, divorce, dissolution, or annulment, if reported to a public office in accordance with a legal duty.
- (10) Absence of a public record. Testimony—or a certification under rule 5.902—that a diligent search failed to disclose a public record or statement if:
 - (A) The testimony or certification is admitted to prove that:
 - (i) The record or statement does not exist; or
- (ii) A matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind, and
- (B) In a criminal case, a prosecutor who intends to offer a certification provides written notice of that intent at least 14 days before trial, and the defendant does not object in writing within 7 days of receiving the notice—unless the court sets a different time for the notice or the objection.
- (11) Records of religious organizations concerning personal or family history. A statement of birth, legitimacy, ancestry, marriage, divorce, death, relationship by blood or marriage, or similar facts of personal or family history, contained in a regularly kept record of a religious organization.
- (12) Certificates of marriage, baptism, and similar ceremonies. A statement of fact contained in a certificate:
- (A) Made by a person who is authorized by a religious organization or by law to perform the act certified;
 - (B) Attesting that the person performed a marriage or similar ceremony or administered a

sacrament; and

- (C) Purporting to have been issued at the time of the act or within a reasonable time after it.
- (13) *Family records*. A statement of fact about personal or family history contained in a family record, such as a Bible, genealogy, chart, engraving on a ring, inscription on a portrait, or engraving on an urn or burial marker.
- (14) Records of documents that affect an interest in property. The record of a document that purports to establish or affect an interest in property if:
- (A) The record is admitted to prove the content of the original recorded document, along with its signing and its delivery by each person who purports to have signed it;
 - (B) The record is kept in a public office; and
 - (C) A statute authorizes recording documents of that kind in that office.
- (15) Statements in documents that affect an interest in property. A statement contained in a document that purports to establish or affect an interest in property if the matter stated was relevant to the document's purpose—unless later dealings with the property are inconsistent with the truth of the statement or the purport of the document.
- (16) Statements in ancient documents. A statement in a document that is at least 30 years old and whose authenticity is established.
- (17) Market reports and similar commercial publications. Market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations.
- (18) Statements in learned treatises, periodicals, or pamphlets. A statement contained in a treatise, periodical, or pamphlet if:
- (A) The statement is called to the attention of an expert witness upon cross-examination or relied on by the expert on direct examination; and
- (B) The publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

- (19) Reputation concerning personal or family history. A reputation among a person's family by blood, adoption, or marriage—or among a person's associates or in the community—concerning the person's birth, adoption, legitimacy, ancestry, marriage, divorce, death, relationship by blood, adoption, or marriage, or similar facts of personal or family history.
- (20) Reputation concerning boundaries or general history. A reputation in a community—arising before the controversy—concerning boundaries of land in the community or customs that affect the land, or concerning general historical events important to that community, state, or nation.
- (21) Reputation concerning character. A reputation among a person's associates or in the community concerning the person's character.
 - (22) Judgment of a previous conviction. Evidence of a final judgment of conviction if:
 - (A) The judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
 - (B) The conviction was for a crime punishable by death or by imprisonment for more than a year;
 - (C) The evidence is admitted to prove any fact essential to the judgment; and
- (D) When offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal of a previous conviction may be shown but does not affect admissibility.

- (23) Judgments involving personal, family, or general history, or a boundary. A judgment that is admitted to prove a matter of personal, family, or general history, or boundaries, if the matter:
 - (A) Was essential to the judgment; and
 - (B) Could be proved by evidence of reputation.
 - (24) [Transferred to rule 5.807.]

[Report 1983; amended February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; March 25, 2009, effective May 25, 2009; April 2, 2009, effective June 1, 2009; September 28, 2016, effective January 1, 2017]

Rule 5.804 Exceptions to the rule against hearsay—when the declarant is unavailable as a witness.

- a. Criteria for being unavailable. A declarant is considered to be unavailable as a witness if the declarant:
- (1) Is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
 - (2) Refuses to testify about the subject matter despite a court order to do so;

- (3) Testifies to not remembering the subject matter;
- (4) Cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
- (5) Is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure the declarant's attendance.

But rule 5.804(a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

- b. The exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
 - (1) Former testimony. Testimony that:
- (A) Was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
- (B) Is now offered against a party who had—or, in a civil case, whose predecessor in interest had—an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
- (2) Statement under the belief of imminent death. A statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
 - (3) Statement against interest. A statement that:
- (A) A reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
- (B) Is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability and is offered to exculpate the defendant.
 - (4) *Statement of personal or family history.* A statement about:
- (A) The declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
- (B) Another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage, or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
 - (5) [Transferred to rule 5.807.]
- (6) Statement offered against a party that wrongfully caused the declarant's unavailability. A statement offered against a party that wrongfully caused—or acquiesced in wrongfully causing—the declarant's unavailability as a witness, and did so intending that result.

[Report 1983; November 9, 2001, effective February 15, 2002; April 2, 2009, effective June 1, 2009; September 28, 2016, effective January 1, 2017]

Rule 5.805 Hearsay within hearsay. Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.806 Attacking and supporting the declarant's credibility. When a hearsay statement—or a statement described in rule 5.801(d)(2)(C), (D), or (E)—has been admitted into evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The court may admit evidence of the declarant's inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.807 Residual exception.

a. In general. Under the following circumstances, a hearsay statement is not excluded by the rule against hearsay even if the statement is not specifically covered by a hearsay exception in rule 5.803 or 5.804:

- (1) The statement has equivalent circumstantial guarantees of trustworthiness;
- (2) It is offered as evidence of a material fact;
- (3) It is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and
 - (4) Admitting it will best serve the purposes of these rules and the interests of justice.
- b. Notice. The statement is admissible only if, before the trial or hearing, the proponent gives an adverse party reasonable notice of the intent to offer the statement and its particulars, including the declarant's name and address, so that the party has a fair opportunity to meet it. [Report April 2, 2009, effective June 1, 2009; September 28, 2016, effective January 1, 2017]

Rules 5.808 to 5.900 Reserved.

ARTICLE IX AUTHENTICATION AND IDENTIFICATION

Rule 5.901 Authenticating or identifying evidence.

- a. In general. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.
- b. Examples. The following are examples only—not a complete list—of evidence that satisfies the requirement:
 - (1) Testimony of witness with knowledge. Testimony that an item is what it is claimed to be.
- (2) *Nonexpert opinion about handwriting*. A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.
- (3) Comparison by an expert witness or the trier of fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.
- (4) *Distinctive characteristics and the like.* The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.
- (5) *Opinion about a voice*. An opinion identifying a person's voice—whether heard firsthand or through mechanical or electronic transmission or recording—based on hearing the voice at any time under circumstances that connect it with the alleged speaker.
- (6) Evidence about a telephone conversation. For a telephone conversation, evidence that a call was made to the number assigned at the time to:
- (A) A particular person, if circumstances, including self-identification, show that the person answering was the one called; or
- (B) A particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.
 - (7) Evidence about public records. Evidence that:
 - (A) A document was recorded or filed in a public office as authorized by law; or
 - (B) A purported public record or statement is from the office where items of this kind are kept.
- (8) Evidence about ancient documents or data compilations. For a document or data compilation, evidence that it:
 - (A) Is in a condition that creates no suspicion about its authenticity;
 - (B) Was in a place where, if authentic, it would likely be; and
 - (C) Is at least 30 years old when offered.
- (9) Evidence about a process or system. Evidence describing a process or system and showing that it produces an accurate result.
- (10) *Methods provided by a statute or rule*. Any method of authentication or identification allowed by a statute or Iowa Supreme Court rule.
- [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.902 Evidence that is self-authenticating. The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity to be admitted:

- (1) Domestic public documents that are sealed and signed. A document that bears:
- (A) A seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of

any entity named above; and

- (B) A signature purporting to be an execution or attestation.
- (2) Domestic public documents that are not sealed but are signed and certified. A document that bears no seal if:
 - (A) It bears the signature of an officer or employee of an entity named in rule 5.902(1)(A); and
- (B) Another public officer who has a seal and official duties within that same entity certifies under seal—or its equivalent—that the signer has the official capacity and that the signature is genuine.
- (3) Foreign public documents. A document that purports to be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attestor—or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a United States embassy or legation; by a consul general, vice consul, or consular agent of the United States; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States. If all parties have been given a reasonable opportunity to investigate the document's authenticity and accuracy, the court may, for good cause, either:
 - (A) Order that it be treated as presumptively authentic without final certification; or
 - (B) Allow it to be evidenced by an attested summary with or without final certification.
- (4) Certified copies of public records. A copy of an official record—or a copy of a document that was recorded or filed in a public office as authorized by law—if the copy is certified as correct by:
 - (A) The custodian or another person authorized to make the certification; or
- (B) A certificate that complies with rule 5.902(1), (2), or (3), a federal, state, or territorial statute, United States Supreme Court rule, or Iowa Supreme Court rule.
- (5) Official publications. A book, pamphlet, or other publication purporting to be issued by public authority.
 - (6) Newspapers and periodicals. Printed materials purporting to be a newspaper or periodical.
- (7) *Trade inscriptions and the like*. An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.
- (8) Acknowledged documents. A document accompanied by a certificate of acknowledgement that is lawfully executed by a notary public or another officer who is authorized to take acknowledgements.
- (9) Commercial paper and related documents. Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.
- (10) Presumptions under a federal statute or a statute of Iowa or any other state or territory of the United States. A signature, document, or anything else that a federal statute or a statute of Iowa or any other state or territory of the United States declares to be presumptively or prima facie genuine or authentic.
- (11) Certified domestic records of a regularly conducted activity. The original or a copy of a domestic record that meets the requirements of rule 5.803(6)(A) to (C) as shown by a certification of the custodian or another qualified person that complies with a federal statute, a rule prescribed by the United States Supreme Court, a statute of Iowa or any other state or territory of the United States, or other Iowa Supreme Court rule. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record—and must make the record and certification available for inspection—so that the party has a fair opportunity to challenge them.
- (12) Certified foreign records of a regularly conducted activity. In a civil case, the original or a copy of a foreign record that meets the requirements of rule 5.902(11), modified as follows: the certification, rather than complying with a federal statute or a United States Supreme Court rule or a statute of Iowa or any other state or territory of the United States or other Iowa Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of rule 5.902(11).

[Report 1983; November 9, 2001, effective February 15, 2002; March 25, 2009, effective May 25, 2009; September 28, 2016, effective January 1, 2017]

Rule 5.903 Subscribing witness's testimony. A subscribing witness's testimony is necessary to authenticate a writing only if required by the law of the jurisdiction that governs its validity. This rule does not affect the admission of a foreign will into probate in this state.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rules 5.904 to 5.1000 Reserved.

ARTICLE X

CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 5.1001 Definitions that apply to this article. In this article:

- a. A "writing" consists of letters, words, numbers, or their equivalent set down in any form.
- b. A "recording" consists of letters, words, numbers, or their equivalent recorded in any manner.
- c. A "photograph" means a photographic image or its equivalent stored in any form.
- d. An "original" of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, "original" means any printout—or other output readable by sight—if it accurately reflects the information. An "original" of a photograph includes the negative or a print from it.
- e.. A "duplicate" means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]
- **Rule 5.1002 Requirement of the original.** An original writing, recording, or photograph is required to prove its content, unless these rules or a statute provides otherwise. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]
- Rule 5.1003 Admissibility of duplicates. A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

- Rule 5.1004 Admissibility of other evidence of content. An original is not required and other evidence of the content of a writing, recording, or photograph is admissible if:
 - a. All the originals are lost or destroyed, and not be the proponent acting in bad faith;
 - b. An original cannot be obtained by any available judicial process;
- c. The party against whom the original would be offered had control of the original; was at that time put on notice, by pleadings or otherwise, that the original would be a subject of proof at the trial or hearing; and fails to produce it at the trial or hearing; or
- d. The writing, recording, or photograph is not closely related to a controlling issue. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.1005 Copies of public records to prove content.

- a. Using a copy to prove content. The proponent may use a copy to prove the content of an official record—or of a document that was recorded or filed in a public office as authorized by law—if these conditions are met:
 - (1) The record or document is otherwise admissible.
- (2) The copy is certified as correct in accordance with rule 5.902(4) or a witness who has compared it with the original testifies the copy is correct.
- b. Using other evidence to prove content. If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.1006 Summaries to prove content. The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in court. The proponent must make the originals or duplicates available for examination or copying, or both, by other parties at reasonable time and place. And the court may order the proponent to produce them in court.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.1007 Testimony or statement of a party to prove content. The proponent may prove the content of a writing, recording, or photograph by the testimony, deposition, or written statement of the party against whom the evidence is offered. The proponent need not account for the original. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rule 5.1008 Functions of the court and jury. Ordinarily, the court determines whether the proponent has fulfilled the factual conditions for admitting other evidence of the content of a writing, recording, or photograph under rule 5.1004 or 5.1005. But in a jury trial, the jury determines—in accordance with rule 5.104(b)—any issue about whether:

- a. An asserted writing, recording, or photograph ever existed; or
- b. Another one produced at the trial or hearing is the original; or
- c. Other evidence of content accurately reflects the content.

[Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

Rules 5.1009 to 5.1100 Reserved.

ARTICLE XIMISCELLANEOUS RULES

Rule 5.1101 Applicability of the rules.

- a. To courts and judges. The Iowa Rules of Evidence apply to proceedings before the courts of this state, including proceedings before magistrates and court-appointed referees and masters, except as Iowa Supreme Court rules otherwise provide.
 - b. Rules on privilege. The rules on privilege apply to all stages of a case or proceeding.
- c. Exceptions. The Iowa Rules of Evidence—except for those on privilege—do not apply to the following:
- (1) The court's determination, under rule 5.104(a), on a preliminary question of fact governing admissibility.
 - (2) Grand-jury proceedings.
 - (3) Contempt proceedings in which an adjudication is made without prior notice and a hearing.
- (4) Miscellaneous proceedings such as: extradition or rendition; issuing an arrest warrant, criminal summons, or search warrant; a preliminary examination in a criminal case; sentencing; granting or revoking probation or supervised release; and considering whether to release on bail or otherwise. [Report 1983; November 9, 2001, effective February 15, 2002; March 25, 2009, effective May 25, 2009; September 28, 2016, effective January 1, 2017]

Rule 5.1102 Reserved.

Rule 5.1103 Title. These Iowa Rules of Evidence may be cited as Iowa R. Evid. [Report 1983; November 9, 2001, effective February 15, 2002; September 28, 2016, effective January 1, 2017]

CHAPTER 6 RULES OF APPELLATE PROCEDURE

DIVISION I CASE INITIATION: CIVIL AND CRIMINAL; PARTIES AND ATTORNEYS; PROTECTED INFORMATION; AND CONFIDENTIAL MATERIALS

Rules 6.1 to 6.99	Reserved	
Rule 6.100	Mandatory use of electronic document management system (EDMS) for appellate cases	
Rule 6.101	Time for appealing final orders and judgments appealable as a matter of right	
Rule 6.102	Initiation of appeal from a final judgment	
Rule 6.103	Review of final orders and judgments	
Rule 6.104	Review of interlocutory rulings or orders	
Rule 6.105	Review of small claims actions	
Rule 6.106	Discretionary review	
Rule 6.107	Original certiorari proceedings	
Rule 6.108	Form of review	
Rule 6.109	Parties and attorneys on appeal; caption; substitution of parties; withdrawal of counsel	
Rule 6.110	Protected information; confidential materials and cases; briefs not confidential	
Rules 6.111 to 6.200	Reserved	
	DIVISION II	
TERMINATION-OF-PARENTAL-RIGHTS AND CHILD-IN-NEED-OF-ASSISTANCE APPEALS UNDER IOWA CODE CHAPTER 232		
TERMINATION-OF-ITH	UNDER IOWA CODE CHAPTER 232	
Rule 6.201	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-	
	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and	
Rule 6.201	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232	
Rule 6.201 Rule 6.202	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and	
Rule 6.201 Rule 6.202 Rule 6.203	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205	UNDER IOWA CODE CHAPTER 232 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205 Rules 6.206 to 6.300 Rule 6.301	Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved DIVISION III CERTIFIED QUESTIONS OF LAW Procedure for certification of questions of law	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205 Rules 6.206 to 6.300 Rule 6.301 Rule 6.302	Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved DIVISION III CERTIFIED QUESTIONS OF LAW Procedure for certification of questions of law Initiation of certification proceedings	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205 Rules 6.206 to 6.300 Rule 6.301 Rule 6.302 Rule 6.303	Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved DIVISION III CERTIFIED QUESTIONS OF LAW Procedure for certification of questions of law Initiation of certification proceedings Briefing	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205 Rules 6.206 to 6.300 Rule 6.301 Rule 6.302 Rule 6.303 Rule 6.304	Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved DIVISION III CERTIFIED QUESTIONS OF LAW Procedure for certification of questions of law Initiation of certification proceedings Briefing Disposition	
Rule 6.201 Rule 6.202 Rule 6.203 Rule 6.204 Rule 6.205 Rules 6.206 to 6.300 Rule 6.301 Rule 6.302 Rule 6.303	Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 Reply to issues raised in cross-appeal Filing fee and transmission of record Disposition Reserved DIVISION III CERTIFIED QUESTIONS OF LAW Procedure for certification of questions of law Initiation of certification proceedings Briefing	

DIVISION IV ABORTION NOTIFICATION APPEALS

Rule 6.401 Procedure in abortion notification appeals

Rules 6.402 to 6.500 Reserved

DIVISION V OTHER PROCEEDINGS

- 4 4 - 6 - 6 4	_ , , , , ,,
Rule 6.501	Procedure in other proceedings
Kuic 0.501	i ioccuire iii onici biocccuings

Rules 6.502 to 6.600 Reserved

DIVISION VI STAYING DISTRICT COURT JUDGMENTS AND PROCEEDINGS

Rule 6.601	Supersedeas bond
Rule 6.602	Sufficiency of bond
Rule 6.603	Judgment on bond

Rule 6.604 Stays involving child custody

Rules 6.605 to 6.700 Reserved

DIVISION VII FILING, SERVICE, AND FEES

Rule 6.701	Filing
Rule 6.702	Service

Rule 6.703 Filing fees and copies

Rules 6.704 to 6.800 Reserved

DIVISION VIII RECORD ON APPEAL

Rule 6.801	Composition of record on appeal
Rule 6.802	Transmission of record
Rule 6.803	Transcript
Rule 6.804	Combined certificate
Rule 6.805	Appellee's designation of additional parts of transcript
Rule 6.806	Proceedings when transcript unavailable
Rule 6.807	Correction or modification of the record
Rules 6 808 to 6 900	Reserved

DIVISION IX BRIEFS AND APPENDIX

Rule 6.901	Filing and service of briefs and amendments
Rule 6.902	Cases involving expedited times for filing briefs and appendix
Rule 6.903	Briefs
Rule 6.904	References in briefs
Rule 6.905	Appendix
Rule 6.906	Brief of amicus curiae
Rule 6.907	Scope of review
Rule 6.908	Oral and nonoral submission; notice of additional authorities
Rules 6 909 to 6 1000	Reserved

Rules 6.909 to 6.1000 Reserved

DIVISION X WRITS, MOTIONS, AND OTHER DOCUMENTS

Rule 6.1001	Writs and process
Rule 6.1002	Motions
Rule 6.1003	Motions to shorten or extend deadlines
Rule 6.1004	Limited remands
Rule 6.1005	Frivolous appeals; withdrawal of counsel
Rule 6.1006	Motions to dismiss, affirm, or reverse
Rule 6.1007	Form of motions and other filings
Rules 6.1008 to 6.1100	Reserved

DIVISION XI TRANSFER, SUBMISSION, AND FURTHER REVIEW

Rule 6.1101 Transfer of cases to court of appeals

Rule 6.1102 Rule 6.1103 Rules 6.1104 to 6.1200	Order of submission and transfer Application to the supreme court for further review Reserved					
DIVISION XII DISPOSITION OF APPEALS						
Rule 6.1201	Voluntary disn	nissals				
Rule 6.1202	Failure to comply with appellate deadlines and appellate court orders; consequences and penalties					
Rule 6.1203	Affirmed or enforced without opinion					
Rule 6.1204	Petition for rehearing in court of appeals					
Rule 6.1205	Petition for rehearing in supreme court					
Rule 6.1206	Remands					
Rule 6.1207	Costs					
Rule 6.1208	Procedendo					
Rule 6.1209	Quarterly publ	lication				
Rules 6.1210 to 6.1300	Reserved					
DIVISION XIII						
	AME	NDMENT TO RULES				
Rule 6.1301	Amendments					
Rules 6.1302 to 6.1400	Reserved					
		DIVISION XIV				
		FORMS				
Rule 6.1401	Forms					
	Form 1:	Notice of Appeal				
	Form 2:	Combined Certificate				
	Form 3:	Supplemental Certificate				
	Form 4:	Notice of Appeal (Cross-Appeal) (Child-in-Need-of-				
		Assistance and Termination Cases)				
	Form 5:	Petition on Appeal (Cross-Appeal) (Child-in-Need-of-Assistance and Termination Cases)				
	Form 6:	Response to Petition on Appeal (Cross-Appeal)				
	Form 7:	Certificate of Compliance with Typeface Requirements				
	TOTHI 7.	and Type-Volume Limitation for briefs				
	Form 8:	Reporter's Certificate of Filing a Transcript				
	Form 9:	Reporter's Application for an Extension of Time to File				
		a Transcript				
	Form 10:	Certificate of Compliance with Typeface Requirements				
		and Type-Volume Limitation for an Application for				
		Further Review or a Resistance to an Application for				
	Б 11	Further Review				
D 1 (1402 + (1500	Form 11:	Certificate of Confidentiality				
Rules 6.1402 to 6.1500	Reserved					
		DIVISION XV				
	APPELLATE	PROCEDURE TIMETABLES				
Rule 6.1501	Appellate Prod	cedure Timetables				
	Timetable 1:	Pre-Briefing Procedure				
	Timetable 2:	Briefing Procedure				
	Timetable 3:	Chapter 232 Child-in-Need-of-Assistance and				
	- "	Termination Anneals				

DIVISION XVI TABLES

Reserved

Rules 6.1502 to 6.1600

Termination Appeals

Rule 6.1601 Tables

Table A:

Technical Requirements of a Brief Technical Requirements of a Brief When Expedited Times for Filing Apply Contents of a Brief Table B:

Table C:

CHAPTER 6 RULES OF APPELLATE PROCEDURE

DIVISION I

CASE INITIATION: CIVIL AND CRIMINAL; PARTIES AND ATTORNEYS; PROTECTED INFORMATION; AND CONFIDENTIAL MATERIALS

Rules 6.1 to 6.99 Reserved.

Rule 6.100 Mandatory use of electronic document management system (EDMS) for appellate cases

- **6.100(1)** Mandatory electronic filing. All attorneys authorized to practice law in Iowa, all attorneys admitted pro hac vice, see Iowa Ct. R. 31.14, and all self-represented litigants must register under Iowa R. Elec. P. 16.304(1) to participate in EDMS. If an attorney or self-represented litigant has previously registered to participate at the district or appellate court level, then no additional registration is required. As provided in this chapter, registered filers must electronically submit all documents to be filed with the court unless otherwise required or authorized by these rules.
- **6.100(2)** Applicability of divisions I through VI of the Iowa Rules of Electronic Procedure. Except for Iowa Rs. Elec. P. 16.101, 16.301, 16.302(2), and 16.303(4), the rules pertaining to the use of EDMS found in divisions I through VI of chapter 16, including rules pertaining to the protection of personal privacy, apply in appellate court cases.

6.100(3) *Exemptions*.

- a. Good cause. For good cause, the clerk of the supreme court or the clerk's deputy may authorize a filer to submit a document by nonelectronic means to the clerk for filing. Upon a motion showing that exceptional circumstances make it unreasonable for a party to file documents electronically, the supreme court may exempt the party from electronic filing for purposes of the party's case on appeal. If a district court exempted a party from electronic filing in the underlying action, see Iowa R. Elec. P. 16.302(2), a copy of the district court order granting the exemption must be attached to the party's request to be excused from electronic filing requirements for the case on appeal.
- b. Abortion notification appeals. Abortion notification appeals may be filed electronically or nonelectronically.
- c. Nonelectronic filings by certain confined persons. A party who is confined pursuant to governmental authority, including but not limited to a person who is incarcerated or civilly committed, is excused from registering to file electronically.
- d. Paper case files. Except as otherwise provided by court rules, see, e.g., Iowa R. Elec. P. 16.313(1), or as the supreme court directs, the clerk will not maintain paper case files in appeals initiated on or after the initiation of electronic filing in the appellate courts. [Court Order November 18, 2016, effective March 1, 2017]

Rule 6.101 Time for appealing final orders and judgments appealable as a matter of right.

6.101(1) *Time for filing a notice of appeal from final orders and judgments.*

- a. Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. A notice of appeal from a final order or judgment entered in Iowa Code chapter 232 termination-of-parental-rights or child-in-need-of-assistance proceedings must be filed within 15 days after the filing of the order or judgment. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the notice of appeal must be filed within 15 days after the filing of the ruling on such motion.
- b. All other cases. A notice of appeal must be filed within 30 days after the filing of the final order or judgment. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the notice of appeal must be filed within 30 days after the filing of the ruling on such motion.
- c. Timely filing of motion defined. For purposes of subparts a and b above, a motion is considered timely if it has been filed by the applicable deadline and asks the court to reconsider, enlarge, or amend its order, ruling, judgment, or decree. Whether a motion is proper or not does not affect its timeliness. Provided, however, that a motion will not be considered timely if the same party has previously filed a motion to reconsider, enlarge, or amend the court's order, ruling, judgment, or decree, unless the

court has modified its order, ruling, judgment, or decree and the subsequent motion is directed only at the modification.

d. Exception for final orders on partial dispositions. A final order dismissing some, but not all, of the parties or disposing of some, but not all, of the issues in an action may be appealed within the time for appealing from the judgment that finally disposes of all remaining parties and issues to an action, even if the parties' interests or the issues are severable.

COMMENT:

Rule 6.101(c). Rule 6.101(c) is intended to supersede prior case law that held a timely rule 1.904(2) motion must also have been "proper" to extend the time for appeal. *See, e.g., Hedlund v. State,* 875 N.W.2d 720, 725 (Iowa 2016). To obviate controversies over whether a rule 1.904(2) motion tolls the time for appeal, rule 6.101 authorizes any timely rule 1.904(2) motion to extend the appeal deadline, subject to an exception for successive motions.

Under rule 6.101(c), the timely filing of a rule 1.904(2) motion extends the deadline for filing a notice of appeal or an application for interlocutory appeal. See Iowa R. App. P. 6.101(1)(b) and 6.104(1)(b)(2). However, the rule does not address whether a rule 1.904(2) motion preserves error for purposes of appeal as to evidence or arguments raised for the first time in that motion. See, e.g., Tenney v. Atlantic Associates, 594 N.W.2d 11, 14 (Iowa 1999). The rule also is not intended to affect prior case law concerning a court's inherent authority to reconsider. See Iowa Elec. Light & Power Co. v. Lagle, 430 N.W.2d 393, 395-96 (Iowa 1988). [Court Order November 18, 2016, effective March 1, 2017]

6.101(2) Time for filing a notice of cross-appeal.

- a. Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. In Iowa Code chapter 232 termination-of-parental-rights and child-in-need-of-assistance cases, any notice of cross-appeal must be filed within the 15-day limit for filing a notice of appeal, or within 10 days after the filing of a notice of appeal, whichever is later.
- b. All other cases. In all other appeals, any notice of cross-appeal must be filed within the 30-day limit for filing a notice of appeal, or within 10 days after the filing of a notice of appeal, whichever is later.
- **6.101(3)** Appeal taken before order or judgment filed. An appeal taken from an order or judgment of the district court shall be considered timely even though taken before the order or judgment has been filed by the clerk of the district court, if the order or judgment is filed within 30 days after the date on which the notice of appeal is filed.
- **6.101(4)** Tolling of filing deadline by timely service. The time for filing a notice of appeal is tolled when the notice is served, provided the notice is filed with the district court clerk within a reasonable time. See Iowa R. Civ. P. 1.442(4).
- **6.101(5)** Extension where clerk fails to notify. The supreme court may extend the time for filing a notice of appeal if it determines the clerk of the district court failed to notify the prospective appellant of the filing of the appealable final order or judgment. A motion for an extension of time must be filed with the clerk of the supreme court and served on all parties and the clerk of the district court no later than 60 days after the expiration of the original appeal deadline as prescribed in rule 6.101(1)(a) or (b). The motion and any resistance shall be supported by copies of relevant portions of the record and by affidavits. Any extension granted shall not exceed 30 days after the date of the order granting the motion.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.102 Initiation of appeal from a final judgment.

- **6.102(1)** From final orders in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.
- a. Notice of appeal. An appeal from a final order or judgment in a termination-of-parental-rights or a child-in-need-of-assistance case under Iowa Code chapter 232 is initiated by filing the notice of appeal with the clerk of the district court where the order or judgment was entered within the time provided in rule 6.101(1)(a). The notice of appeal cannot be filed unless signed by both the appellant's counsel and the appellant. The notice of appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). An informational copy of the notice of appeal must be filed electronically with the clerk of the supreme court.
- (1) Contents of notice of appeal. The notice of appeal shall specify the parties taking the appeal and the decree, judgment, order, or part thereof appealed from. The notice shall substantially comply with form 4 in rule 6.1401.
- (2) Special service of the notice of appeal. The notice of appeal must be served upon any court reporter who reported a proceeding that is the subject of the appeal in the manner stated in rule

- 6.702(4) and upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal must include a certificate of service in the form provided in Iowa R. Civ. P. 1.442(7).
- b. Petition on appeal. An appeal in a termination-of-parental-rights or a child-in-need-of-assistance case will be dismissed unless a petition on appeal is timely filed as set forth in rule 6.201(1)(b).
- **6.102(2)** From final orders appealable as a matter of right in all other cases. An appeal from a final order appealable as a matter of right in all cases other than termination-of-parental-rights and child-in-need-of- assistance cases under Iowa Code chapter 232 is taken by filing a notice of appeal with the clerk of the district court where the order or judgment was entered within the time provided in rule 6.101(1)(b). The notice of appeal shall be signed by either the appellant's counsel or the appellant.
- a. Contents of the notice of appeal. The notice of appeal shall specify the parties taking the appeal and the decree, judgment, order, or part thereof appealed from. The notice shall substantially comply with form 1 in rule 6.1401.
- b. Special service of the notice of appeal. The notice of appeal must be served upon any court reporter who reported a proceeding that is the subject of the appeal in the manner stated in rule 6.702(4). If the State is a party to the case, the notice of appeal must also be served upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal must include a certificate of service in the form provided in Iowa R. Civ. P. 1.442(7). An informational copy of the notice of appeal must be filed electronically with the clerk of the supreme court.
- **6.102(3)** Filing fee. Within seven days of filing the notice of appeal, the appellant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rule 6.703.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017; Court Order February 16, 2017, temporarily effective March 1, 2017, permanently effective April 17, 2017; Court Order July 20, 2017, temporarily effective July 20, 2017, permanently effective September 18, 2017]

Rule 6.103 Review of final orders and judgments.

- **6.103(1)** Final order and judgment defined. All final orders and judgments of the district court involving the merits or materially affecting the final decision may be appealed to the supreme court, except as provided in this rule, rule 6.105, and Iowa Code sections 814.5 and 814.6. An order granting or denying a new trial is a final order. An order setting aside a default judgment in an action for dissolution of marriage or annulment is a final order. An order setting aside a default judgment in any other action is not a final order.
- **6.103(2)** Attorney fee order entered after final judgment. A final order or judgment on an application for attorney fees entered after the final order or judgment in the underlying action is separately appealable. The district court retains jurisdiction to consider an application for attorney fees notwithstanding the appeal of a final order or judgment in the action. If the final order or judgment in the underlying case is also appealed, the party appealing the attorney fee order or judgment shall file a motion to consolidate the two appeals.
- **6.103(3)** Interlocutory order included in appeal of final order or judgment. No interlocutory order may be appealed until after the final judgment or order is entered except as provided in rule 6.104. Error in an interlocutory order is not waived by pleading over or proceeding to trial. If no appeal was taken from an interlocutory order or a final adjudication in the district court under Iowa R. Civ. P. 1.444 that substantially affected the rights of the complaining party, the appellant may challenge such order or final adjudication on appeal of the final order or judgment. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.104 Review of interlocutory rulings or orders.

6.104(1) Application for interlocutory appeal.

- a. Applicability. Any party aggrieved by an interlocutory ruling or order of the district court may apply to the supreme court for permission to appeal in advance of final judgment.
 - b. Time for filing.
- (1) Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. An application for interlocutory appeal in an Iowa Code chapter 232 termination-of-parental-rights or a child-in-need-of-assistance case must be filed within 15 days after entry of the challenged ruling or order. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 15 days after the filing of the ruling on

such motion. The application for interlocutory appeal cannot be filed unless signed by both the applicant's counsel and the applicant. An application for interlocutory appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). If the application is granted, the appellant must file a petition on appeal as set forth in rule 6.201(1)(b). The failure to file a timely petition on appeal will result in the dismissal of the appeal.

- (2) All other cases. An application for interlocutory appeal must be filed within 30 days after entry of the challenged ruling or order. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days after the filing of the ruling on such motion.
- (3) Extensions of time. No extension of the filing deadlines in this rule will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the clerk of the district court to notify the applicant of the ruling or order. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing an application for interlocutory appeal. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.
- c. Special service of the application. The application must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).
- d. Content and form of application. The application shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the applicant shall state with particularity the substantial rights affected by the ruling or order, why the ruling or order will materially affect the final decision, and why a determination of its correctness before trial on the merits will better serve the interests of justice. The date of any impending hearing, trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the application.
- e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules 6.703(2)(a) and 6.703(2)(b).
- f. Filing of the application does not stay district court proceedings. The filing of an application for interlocutory appeal does not stay district court proceedings. The applicant may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application for a stay order by the supreme court must state the dates of any proceedings to be stayed and why a stay is necessary.
- **6.104(2)** Resistance, consideration, and ruling. The application may be resisted and will be considered in the same manner provided for motions in rule 6.1002. The supreme court may grant permission to appeal on finding that such ruling or order involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice. An order granting an appeal under this rule shall stay further proceedings below, may require bond, and may expedite the time for briefing and submission.
- **6.104(3)** Procedure after order granting application. The clerk of the supreme court will promptly transmit a copy of the order granting the interlocutory appeal to all counsel of record, all parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the interlocutory appeal. See rule 6.702(4). Further proceedings will be had pursuant to the rules of appellate procedure.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017; Court Order July 20, 2017, temporarily effective July 20, 2017, permanently effective September 18, 2017]

Rule 6.105 Review of small claims actions. Except where the action involves an interest in real estate, no appeal shall be taken in any case originally tried as a small claim. An action originally tried as a small claim may be reviewed by the supreme court only as provided in Iowa Code section 631.16 and rule 6.106.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.106 Discretionary review.

6.106(1) Application for discretionary review.

a. Applicability. An application for discretionary review may be filed with the clerk of the supreme court to review certain orders specified by statute which are not subject to appeal as a matter of right.

b. Time for filing. An application for discretionary review must be filed within 30 days after entry of the challenged ruling, order, or judgment of the district court. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days after the filing of the ruling on such motion. No extension of such time will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the district court clerk to notify the applicant of the ruling, order, or judgment. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing an application for discretionary review. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

Ch 6, p.5

- c. Special service of the application. The application must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).
- d. Content and form of application. The application shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the applicant shall state with particularity the grounds upon which discretionary review should be granted. The date of any impending hearing, trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the application.
- e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules 6.703(2)(a) and 6.703(2)(b).
- f. Filing of the application does not stay district court proceedings. The filing of an application for discretionary review does not stay district court proceedings. The applicant may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application to the supreme court for a stay order must set forth the dates of any proceedings to be stayed and why a stay is necessary.
- **6.106(2)** Resistance, consideration, and ruling. The application may be resisted and will be considered in the same manner provided for motions in rule 6.1002. The supreme court may grant discretionary review upon a determination that (1) substantial justice has not been accorded the applicant, (2) the grounds set forth in rule 6.104(1)(d) for an interlocutory appeal exist, or (3) the grounds set forth in any statute allowing discretionary review exist. An order allowing discretionary review under this rule may stay further proceedings below, may require bond, and may expedite the time for briefing and submission.
- **6.106(3)** Procedure after order granting application. The clerk of the supreme court shall promptly transmit a copy of the order granting discretionary review to the attorneys of record, any parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting discretionary review. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017; July 20, 2017]

Rule 6.107 Original certiorari proceedings.

6.107(1) Petition for writ of certiorari.

- a. Applicability. Any party claiming a district court judge, an associate district court judge, an associate juvenile judge, or an associate probate judge exceeded the judge's jurisdiction or otherwise acted illegally may commence an original certiorari action in the supreme court by filing a petition for writ of certiorari as provided in these rules.
- b. Time for filing. A petition for writ of certiorari must be filed within 30 days after the challenged decision. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the petition must be filed within 30 days after the filing of the ruling on such motion. No extension of such time may be allowed except upon a showing that the failure to file the petition within the time provided was due to a failure of the district court clerk to notify the plaintiff of the challenged decision. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing a petition for writ of certiorari. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

- c. Special service of the petition. The petition must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).
- d. Content and form of petition. The caption of the petition shall name the challenging party as the plaintiff and the district court, not the judge, as the defendant. The date of any impending hearing, trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the petition. The petition shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the petition shall state whether the plaintiff raised the issue in the district court, identify the interest of the plaintiff in the challenged decision, and state the grounds that justify issuance of the writ.
- e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules 6.703(2)(a) and 6.703(2)(b).
- f. Filing of petition does not stay district court proceedings. The filing of a petition for writ of certiorari does not stay the district court proceedings. The plaintiff may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application to the supreme court for a stay order must state the dates of any proceedings to be stayed and why a stay is necessary.
- **6.107(2)** Resistance, consideration, and ruling. A petition for writ of certiorari may be resisted and will be considered in the same manner provided for motions in rule 6.1002. An order granting the petition may stay further proceedings below, may require bond, and may expedite the time for briefing and submission. The clerk of the supreme court shall promptly transmit a copy of the ruling on the petition to the attorneys of record, any parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party.
- **6.107(3)** Issuance of writ. If the petition for writ of certiorari is granted, the clerk of the supreme court shall issue a writ under its seal. The original writ shall be transmitted to the clerk of the district court and shall constitute service on the district court.
- **6.107(4)** Procedure after order granting petition. The plaintiff must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the petition. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure. The appellate rules applicable to appellants shall apply to plaintiffs and those applicable to appellees shall apply to defendants.
- **6.107(5)** Representation of district court. Parties before the district court other than the certiorari plaintiff shall be required to defend the district court and make all filings required of the defendant under these rules unless permitted to withdraw by the supreme court. A party required to defend the district court under this rule may file an application to withdraw stating (1) whether the applicant raised the issue addressed in the challenged decision in the district court, (2) the interest or lack of interest of the applicant in the challenged decision, and (3) the grounds justifying withdrawal. The application to withdraw must be served on the district court by filing the application with the clerk of the district court and on the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017; July 20, 2017]
- Rule 6.108 Form of review. If any case is initiated by a notice of appeal, an application for interlocutory appeal, an application for discretionary review, or a petition for writ of certiorari and the appellate court determines another form of review was the proper one, the case shall not be dismissed, but shall proceed as though the proper form of review had been requested. The court may treat the documents upon which the action was initiated as seeking the proper form of review and, in appropriate cases, may order the parties to file jurisdictional statements. Nothing in this rule shall operate to extend the time for initiating a case.

 [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.109 Parties and attorneys on appeal; caption; substitution of parties; withdrawal of counsel.

- **6.109(1)** Parties on appeal. The party who files a notice of appeal is the appellant and the opposing party is the appellee. If opposing parties seek to appeal, the party who first files a notice of appeal shall be the appellant/cross-appellee and the other party shall be the appellee/cross-appellant, unless the parties otherwise agree or the supreme court otherwise orders upon motion of any party.
- **6.109(2)** Caption on appeal. The appeal shall be captioned under the title given to the action in the district court, with the parties identified as appellant and appellee. Parties not involved in the

appeal may be omitted from the caption. If the title does not contain the name of the appellant, the appellant's name shall be added to the caption.

- **6.109(3)** Substitution of party. If substitution of a party is sought for any reason, including those stated in Iowa Rs. Civ. P. 1.221, 1.222, 1.223, 1.224, and 1.226, the person seeking the substitution must file a motion for substitution of party with the clerk of the supreme court.
- **6.109(4)** Attorneys and guardians ad litem. The attorneys and guardians ad litem of record in the district court shall be deemed the attorneys and guardians ad litem in the appellate court unless others are retained or appointed and notice is given to the parties and the clerk of the supreme court. However, the representation of an attorney appointed for a minor child or children pursuant to Iowa Code section 598.12 ends when an appeal is taken unless the district court appoints the attorney, or a successor, for the appeal.
- **6.109(5)** Withdrawal of counsel. An attorney may not withdraw from representation of a party before an appellate court without permission of that court unless another attorney has appeared or simultaneously appears for the party. A motion for permission to withdraw as counsel for a party must show service of the motion on the party, and must include the party's address, telephone number, and any available e-mail address. Before court-appointed trial counsel for a criminal defendant may withdraw, the court file must contain proof counsel has completed counsel's duties under Iowa R. Crim. P. 2.29(6).

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.110 Protected information; confidential materials and cases; briefs not confidential. 6.110(1) Protected information.

- a. When a party files any document that contains protected information as defined in Iowa R. Civ. P. 1.422(1) or a reproduction, quotation, or extensive paraphrase of material that contains protected information, the party shall omit or redact that information from the document in the manner provided by rule 1.422(1).
- b. When a party files any document that contains information that may be omitted or redacted under Iowa R. Civ. P. 1.422(2) or a reproduction, quotation, or extensive paraphrase of material that contains such information, the party may omit or redact that information from the document in the manner provided by rule 1.422(2).
- c. The omission or redaction of protected information is not required if the document is certified as confidential under rule 6.110(2).
 - **6.110(2)** *Certification by party of confidential and protected material or cases.*
- a. Confidential and protected material. When a party files any document, except a brief, that contains material or a reproduction, quotation, or extensive paraphrase of material that is declared confidential by any statute or court rule or to which access is restricted by court order, the party must certify the document's confidential nature by including a certificate of confidentiality as the first page of the document. The certificate must contain only the caption of the case; the certificate of confidentiality, which includes the applicable statute, rule, or court order; and the signature of the party or counsel. The certificate page must substantially comply with form 11 in rule 6.1401. When filing a document that contains a certificate of confidentiality, the filer must note that fact in the appropriate place on the electronic cover sheet. See Iowa R. Elec. P. 16.201(7).
- b. Confidential and protected cases. When a party files any document, except a brief, in a case declared confidential by statute or court rule or to which access is restricted by court order, the party need not certify the document's confidential nature. Briefs filed in a confidential or restricted-access case must comply with the personal privacy protection provisions in division VI of the Iowa Rules of Electronic Procedure. See Iowa R. Elec. P. 16.601(1).
- c. Separate appendices for confidential or protected materials. If a case is not confidential by statute or court rule, but requires the filing of documents that include confidential or protected material, a party must file separate appendices, one containing confidential and protected materials and one containing documents having no confidential or protected material. An appendix not certified confidential becomes public record.
- **6.110(3)** Clerk to maintain confidentiality. Upon receipt by the clerk of the supreme court of a notice, motion, appendix, district court record, portion of district court record, or other document that has been certified by a party or the clerk of the district court as confidential, the clerk shall maintain its confidentiality. If the confidential designation is not warranted, the court shall direct the clerk to file the document as a public record. Confidential documents may be inspected only by persons authorized by statute, rule, or court order to inspect such documents.

6.110(4) Responsibility of filer. It is the responsibility of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential. For purposes of this rule, a pro se litigant is the filing party of a pro se document. It is not the responsibility of the clerk of court to review filings to determine whether appropriate redactions, omissions, or certifications have been made; to redact or remove confidential or protected information from court filings; or to certify or restrict access to confidential or protected information on its own initiative. Failure of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential may subject the filing party to sanctions by the court.

6.110(5) Briefs not confidential.

- a. Briefs filed with the clerk of the supreme court shall not be confidential. A brief shall not contain a reproduction, quotation, or extensive paraphrase of material that is declared by any statute or rule of the supreme court to be confidential. Instead, a brief may include general statements of fact supported by references pursuant to rule 6.904(4) to pages of the appendix or parts of the record that are confidential.
- b. The briefs in a case declared confidential by any statute or rule of the supreme court shall not be confidential and shall refer to the parties in the caption and text by first name or initials only. When a victim's name is deemed confidential by law, a brief shall refer to the victim by first name or initials only.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017; July 20, 2017]

Rules 6.111 to 6.200 Reserved.

DIVISION II

TERMINATION-OF-PARENTAL-RIGHTS AND CHILD-IN-NEED-OF-ASSISTANCE APPEALS UNDER IOWA CODE CHAPTER 232

Rule 6.201 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.

6.201(1) Petition on appeal.

- a. Trial counsel's obligation to prepare petition. The appellant's trial counsel shall prepare the petition on appeal. Trial counsel may be relieved of this obligation by the district court only upon a showing of extraordinary circumstances.
- b. Time for filing a petition on appeal. A petition on appeal must be filed with the clerk of the supreme court within 15 days after the filing of the notice of appeal with the clerk of the district court or within 15 days after the filing of an order granting an interlocutory appeal. The time for filing a petition on appeal shall not be extended.
- c. Length; form; cover. The petition on appeal shall not exceed 20 pages, excluding the attachments required by rule 6.201(1)(e), and shall be in the form prescribed by rule 6.1007, except that it may be printed or duplicated on one side of the page. The cover shall contain:
 - (1) The caption of the case.
 - (2) The title of the document (Petition on Appeal).
 - (3) The name of the court and judge whose decision is under review.
- (4) The name, address, telephone number, e-mail address, and fax number of counsel representing the appellant.
 - (5) A certificate of confidentiality in accordance with rule 6.110(2).
- d. Contents of petition. The petition on appeal shall substantially comply with form 5 in rule 6.1401.
 - e. Attachments to petition.
- (1) In an appeal from an order or judgment in a child-in-need-of-assistance proceeding, the appellant shall attach to the petition on appeal a copy of:
 - 1. The order or judgment from which the appeal is taken.
- 2. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
- (2) In an appeal from an order terminating parental rights or dismissing the termination petition, the appellant shall attach to the petition on appeal a copy of:
 - 1. The petition for termination of parental rights and any amendments to the petition.
 - 2. The order or judgment terminating parental rights or dismissing the termination petition.

- 3. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
- (3) In an appeal from a post-termination order, the appellant shall attach to the petition on appeal a copy of:
 - 1. The order or judgment terminating parental rights.
- 2. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
 - 3. Any motion requesting post-termination relief.
 - 4. Any resistance to the request for post-termination relief.
 - 5. The post-termination order from which the appeal is taken.
- **6.201(2)** *Joinder disallowed.* A party may not join in a petition on appeal that another party files separately.
- **6.201(3)** Consequence of failure to file a timely petition on appeal. If the petition on appeal is not filed with the clerk of the supreme court within 15 days after the filing of a notice of appeal or within 15 days after the filing of an order granting an interlocutory appeal, the supreme court shall dismiss the appeal, and the clerk shall immediately issue procedendo.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017; July 20, 2017]

Rule 6.202 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.

- **6.202(1)** When required. A response to the petition on appeal is optional unless the appellee has filed a notice of cross-appeal, in which case a response shall be required. An optional response shall substantially comply with form 6 in rule 6.1401. If the appellee has filed a notice of cross-appeal, the response by appellee shall address the claims of error alleged in the petition on appeal, separately state the grounds for the cross-appeal, and substantially comply with form 6 in rule 6.1401.
- **6.202(2)** Time for filing a response to a petition on appeal. A response to a petition on appeal must be filed with the clerk of the supreme court within 15 days after the service of the petition.
- **6.202(3)** Length; form; cover. An optional response to the petition on appeal shall not exceed 20 pages; a required response shall not exceed 20 pages. A response shall be in the form prescribed by rule 6.1007, except that it may be printed or duplicated on one side of the page. The cover shall contain:
 - a. The caption of the case.
 - b. The title of the document (Response to Petition on Appeal).
 - c. The name of the court and judge whose decision is under review.
- d. The name, address, telephone number, e-mail address, and fax number of counsel representing the appellee.
- e. A certificate of confidentiality in accordance with rule 6.110(2). [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017; July 20, 2017]
- **Rule 6.203** Reply to issues raised in cross-appeal. If a notice of cross-appeal is filed, the appellant may file a reply to the cross-appeal issues within seven days after service of the appellee's response. An appellant may not file a reply if the appellee has not filed a notice of cross-appeal. [Court Order October 31, 2008, effective January 1, 2009]
- Rule 6.204 Filing fee and transmission of record. Within seven days after filing the notice of appeal, the appellant shall pay the filing fee as provided in rule 6.703(1) or request waiver or deferral of the fee pursuant to rule 6.703(2). Within 30 days after the filing of the notice of appeal, the appellant shall request the clerk of the district court to transmit the record to the clerk of the supreme court. The clerk of the district court shall certify the record and its confidential nature.
- **6.204(1)** Record on appeal in child-in-need-of-assistance appeals. In appeals from child-in-need-of-assistance proceedings, the record on appeal shall include the following:
 - a. The child-in-need-of-assistance court file, including all exhibits.
- b. Any transcript of a hearing or hearings resulting in the order from which an appeal has been taken.
- **6.204(2)** Record on appeal in termination-of-parental-rights appeals. In appeals from termination-of-parental-rights proceedings, the record on appeal shall include the following:

- a. The termination court file, including all exhibits.
- b. Those portions of the child-in-need-of-assistance court file either received as exhibits or judicially noticed in the termination proceedings.
 - c. The transcript of the termination hearing.
- **6.204(3)** Record on appeal of post-termination rulings in termination-of-parental-rights cases. In appeals from post-termination proceedings, the record on appeal shall include all of the following:
 - a. The order or judgment terminating parental rights.
- b. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
 - c. The post-termination order from which the appeal is taken.
- d. Any motion, resistance, or transcript relevant to the post-termination order from which the appeal is taken.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rule 6.205 Disposition.

6.205(1) Ruling. After reviewing the petition on appeal, any response, any reply, and the record, the appellate court may affirm or reverse the district court's order or judgment, remand the case, or set the case for briefing as directed by the appellate court.

6.205(2) Further review. If the court of appeals affirms or reverses the court's order or judgment or remands the case, further review pursuant to rule 6.1103 may be sought. The refusal of the court of appeals to grant full briefing shall not be a ground for further review. [Court Order October 31, 2008, effective January 1, 2009]

Rules 6.206 to 6.300 Reserved.

DIVISION III

CERTIFIED QUESTIONS OF LAW

Rule 6.301 Procedure for certification of questions of law. The procedure for answering and certifying questions of law shall be as provided in the Uniform Certification of Questions of Law Act, Iowa Code chapter 684A, and the rules of appellate procedure.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.302 Initiation of certification proceedings.

6.302(1) *Certification order.*

- a. Filing. The certification order prepared by the certifying court shall be forwarded by the clerk of the certifying court under its official seal to the clerk of the supreme court, who shall file the order and assign a number to the matter. The clerk of the supreme court shall notify the certifying court that the certification order has been received.
 - b. Contents. The certification order shall contain all of the following:
 - (1) The information required by Iowa Code section 684A.3.
- (2) The names and addresses of the interested parties or their counsel, if they are represented by counsel.
 - (3) The party requesting submission of a certified question.
- (4) A designation of the party to file the first brief, if the question is certified on the court's own motion.
- c. Service on attorney general. When the constitutionality of an act of the Iowa legislature is drawn into question in a certification proceeding to which the State of Iowa or an officer, agency, or employee thereof is not a party, the certifying court shall serve the certification order on the attorney general.
- **6.302(2)** Record. The certifying court shall attach to its certification order a copy of the portions of its record deemed necessary for a full understanding of the question. If the entire record is not included, the supreme court may order that a copy of any portion of the remaining record be filed with the clerk of the supreme court.
- **6.302(3)** Parties. The party requesting certification or, if none, the party who is to file the first brief shall be considered the appellant and shall make all filings required of the appellant under these rules.

6.302(4) Filing fee. The appellant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules 6.703(1) and 6.703(2)(b). [Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rule 6.303 Briefing.

6.303(1) Form of briefs. Briefs shall be prepared in the manner and form specified in rules 6.903 and 6.904.

6.303(2) Filing of briefs. The parties must file all briefs within the expedited times for filings prescribed by rule 6.902(2).

6.303(3) Appendix. The appendix shall be prepared in the manner and form specified in rule 6.905 to the extent possible. It shall contain the certification order and such portions of the record relevant to the question as the parties by agreement or the certifying court by order may determine. [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.304 Disposition.

6.304(1) Opinion. Upon the filing of an opinion on a certified question, the clerk of the supreme court shall comply with Iowa Code section 684A.7.

6.304(2) Rehearing. A petition for rehearing shall not be allowed.

6.304(3) Costs and fees. Printing costs shall be certified by the parties as provided in rule 6.903(1)(h). Upon the filing of the supreme court's opinion, the clerk of the supreme court shall prepare and transmit to the clerk of the certifying court a bill of costs listing the filing fee and reasonable printing costs and the parties who paid them. The clerk of the certifying court shall be responsible for collecting and apportioning the fee and costs pursuant to Iowa Code section 684A.5. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.305 State as amicus curiae. When the constitutionality of an act of the Iowa legislature is drawn into question in a certification proceeding to which the State of Iowa or an officer, agency, or employee thereof is not a party, the attorney general shall be permitted to file an amicus curiae brief on behalf of the State, as provided in rule 6.906 on the constitutionality of the act. [Court Order October 31, 2008, effective January 1, 2009]

Rules 6.306 to 6.400 Reserved.

DIVISION IVABORTION NOTIFICATION APPEALS

Rule 6.401 Procedure in abortion notification appeals.

6.401(1) *Notice of appeal.* A pregnant minor may appeal from a district court order denying a petition for waiver of notification regarding abortion. The notice of appeal shall be filed within 24 hours of issuance of the district court order. The notice of appeal shall be filed with the clerk of the district court where the order was entered in person or by facsimile transmission. A list of the clerk of the district court's facsimile numbers can be found at www.iowacourts.gov. The notice shall also be filed with the clerk of the supreme court in person or by facsimile transmission at (515)242-6164. The notice of appeal shall contain the date the petition was filed. A notice of appeal is filed for purposes of this rule when it is date and time stamped if filed in person or when it is received if transmitted by facsimile.

6.401(2) Procedure on appeal. Within 48 hours after the filing of a notice of appeal, the court reporter shall file the original of the completed transcript with the clerk of the supreme court. The reporter shall also file a certificate with the clerk of the district court stating the date the transcript was filed in the supreme court. Within 48 hours after the filing of a notice of appeal, the clerk shall transmit to the supreme court any relevant district court documents, including the district court decision. The minor must file a written argument supporting her appeal with the clerk of the supreme court within 48 hours of filing the notice of appeal. The written argument must include a statement designating the method by which the minor chooses to receive notice of the supreme court's final decision.

6.401(3) Decision on appeal. The appeal shall be considered by a three-justice panel of the supreme court. It shall be considered without oral argument unless the supreme court or a justice thereof orders otherwise. A single justice may conduct a hearing, but a majority of the three-justice panel must render any decision on the appeal. The court shall consider the appeal de novo and

render its decision as soon as is reasonably possible. In no event shall the court's decision be made later than 10 calendar days from the day after filing of the petition for waiver in the district court, or the 10 calendar days plus the period of time granted by the district court for any extension under Iowa Ct. R. 8.27. The court's decision may be rendered by order or opinion, and may simply state that the district court's order is affirmed or reversed. Any decision affirming the denial of waiver of notification shall inform the minor of her right to request appointment of a therapist by the district court on remand. Notwithstanding any other rule, the panel's decision shall not be subject to review or rehearing. The clerk of the supreme court shall promptly issue procedendo once an order or opinion is filed. The minor shall be notified of the final decision in the manner designated in the written argument submitted to the court.

6.401(4) Confidentiality. Notwithstanding any other rule or statute, all documents filed in the appeal and the supreme court's docket are confidential. Any hearing held on an appeal under this rule shall be confidential. The minor may use the same pseudonym that she used in the juvenile court proceedings. Identifying information, including address, parents' names, or social security number, must not appear on any court documents. All documents must contain the juvenile court docket number for identification purposes. The only persons who may have access to the court documents and admission to any hearing are the justice(s), court staff who must have access to the records for administrative purposes, the minor, her attorney, her guardian ad litem, and the person(s) designated in writing by the minor, her attorney, or her guardian ad litem to have such access or admission. In no case may the minor's parent(s) have access to her documents or admission to any hearing.

6.401(5) Computation of time. For the purpose of this rule, any duty of filing or issuance of a decision or order that falls on a Saturday, Sunday, or legal holiday is extended to 9 a.m. on the next business day.

[Court Order October 31, 2008, effective January 1, 2009; November 1, 2016, effective March 1, 2017]

Rules 6.402 to 6.500 Reserved.

DIVISION VOTHER PROCEEDINGS

Rule 6.501 Procedure in other proceedings. Procedure in all other proceedings in the appellate courts, such as an action to invoke the supreme court's original jurisdiction shall, unless otherwise ordered, be the procedure prescribed in the rules of appellate procedure to the full extent not inconsistent with rules specifically prescribing the procedure or with a statute. An appendix under the rules of appellate procedure shall be deemed an abstract of record. [Court Order October 31, 2008, effective January 1, 2009]

Rules 6.502 to 6.600 Reserved.

DIVISION VISTAYING DISTRICT COURT JUDGMENTS AND PROCEEDINGS

Rule 6.601 Supersedeas bond.

6.601(1) Requirement of bond. Except upon order entered by the supreme court, pursuant to a procedural, appellate, or court rule, or upon order entered by the district court pursuant to rule 6.601(3), no appeal shall stay proceedings under a judgment or order unless the appellant executes a bond with sureties, to be filed with and approved by the clerk of the court where the judgment or order was entered. The condition of such bond shall be that the appellant will satisfy and perform the judgment if affirmed, or any judgment or order, not exceeding in amount or value the obligation of the judgment or order appealed from, which an appellate court may render or order to be rendered by the district court; and also all costs and damages adjudged against the appellant on the appeal, and all rents from or damage to property during the pendency of the appeal of which the appellee is deprived by reason of the appeal.

6.601(2) Amount of bond. If the judgment or order appealed from is for money, such bond shall be 110 percent of the amount of the money judgment, unless the district court otherwise sets the bond at a higher amount pursuant to the provisions of Iowa Code section 625A.9(2)(a). In no event shall the bond exceed the maximum amount set forth in Iowa Code section 625A.9(2)(b). In all other cases,

the bond shall be an amount sufficient to save the appellee harmless from the consequences of the appeal, but in no event less than \$1000.

- **6.601(3)** Bond by State or political subdivision. Upon motion and for good cause shown, the district court may stay all proceedings under the order or judgment being appealed and permit the State or any of its political subdivisions to appeal a judgment or order to the supreme court without the filing of a supersedeas bond.
- **6.601(4)** Effect on judgment. No appeal shall vacate or affect the judgment or order appealed from; but the clerk shall issue a written order requiring the appellee and all others to stay proceedings under it or such part of it as has been appealed from, when the appeal bond is filed and approved.
- **6.601(5)** Form of bond. An appeal bond secured by cash, a certificate of deposit, or government security in a form and in an amount approved by the clerk may be filed in lieu of other bond. If a cash bond is filed, the cash shall be deposited at interest with interest earnings being paid into the general fund of the State in accordance with Iowa Code section 602.8103(5). The cash bond shall be disbursed pursuant to court order upon the district court's receipt of the procedendo.
- **6.601(6)** Child custody. A supersedeas bond filed pursuant to this rule shall not stay an order, judgment, decree, or portion thereof affecting the custody of a child. Requests for stays involving child custody are governed by rule 6.604.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.602 Sufficiency of bond. If any party to an appeal is aggrieved by the clerk's approval of, or refusal to approve, a supersedeas bond tendered by the appellant, the party may apply to the district court, on at least three days' notice to the adverse party, to review the clerk's action. Pending such hearing, the court may recall or stay all proceedings under the order or judgment appealed from. On such hearing, the district court shall determine the sufficiency of the bond, and if the clerk has not approved the bond, the court shall, by written order, fix its conditions and determine the sufficiency of the security; or if the court determines that a bond approved by the clerk is insufficient in security or defective in form, it shall discharge such bond and fix a time for filing a new one, all as appears by the circumstances shown at the hearing.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.603 Judgment on bond. If an appellate court affirms the judgment appealed from, it may, on motion of the appellee, render judgment against the appellant and the sureties on the appeal bond for the amount of the judgment, with damages and costs; or it may remand the cause to the district court for the determination of such damages and costs and entry of judgment on the bond. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.604 Stays involving child custody.

- **6.604(1)** Application. A supersedeas bond filed pursuant to rule 6.601 shall not stay an order, judgment, decree, or portion thereof affecting the custody of a child. Upon application in a pending appeal, the appellate court may, in its discretion, stay any district court order, judgment, decree, or portion thereof affecting the custody of a child and provide for the custody of the child during the pendency of the appeal.
- **6.604(2)** Resistance. An application for a stay pending appeal of any order, judgment, or decree affecting the custody of a child may be resisted and will be ruled upon as provided in rule 6.1002, unless otherwise ordered. Pending consideration of the application for a stay pending appeal, the appellate court may immediately order a temporary stay pursuant to rule 6.1002(4).
- **6.604(3)** Considerations in granting stay. The best interests of the child shall be the primary consideration in deciding whether to grant the application for a stay order. The best interests of the child likewise shall be paramount in determining where to place custody of the child during the pendency of the appeal. Additional considerations include, but are not limited to, the following factors when they appear:
 - a. The circumstances giving rise to the adjudication being appealed.
 - b. The safety and protection of the child.
 - c. The safety and protection of the community and the likelihood of serious violence.
 - d. The need to quickly begin treatment or rehabilitation of the child.
- e. The likelihood of the child fleeing or being removed from the jurisdiction during the pendency of the appeal or not appearing at further court proceedings.
 - f. The availability of custody placement alternatives.

- g. The child's family ties, employment, school attendance, character, length of residence in the community, and juvenile court record.
 - h. The likelihood of a reversal of the district court order, judgment, or decree on appeal.
- **6.604(4)** *Burden.* The applicant seeking the stay order shall have the burden of showing that such a stay or alternative custody placement of the child pending appeal is in the child's best interests. [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rules 6.605 to 6.700 Reserved.

DIVISION VII FILING, SERVICE, AND FEES

Rule 6.701 Filing.

6.701(1) Filing with the clerk of the supreme court. Documents required or permitted to be filed in the supreme court or in the court of appeals must be filed with the clerk of the supreme court. All documents required to be served upon a party must be filed with the court before or at the time of service or within a reasonable time thereafter. Whenever these rules require a filing with the supreme court or its clerk within a certain time, the time requirement shall be tolled when service is made, provided the actual filing is done within a reasonable time thereafter. Documents received by the clerk of the supreme court without a certificate of service shall be deemed filed when received by the clerk.

6.701(2) Emailing or faxing documents does not constitute electronic filing. Emailing or faxing a document to the clerk of the supreme court or to an appellate court will not generate a file stamp or a notice of electronic filing or presentation and will not result in the filing of the document. See Iowa Rs. Elec. P. 16.201(23), 16.306. Documents transmitted to the clerk of the supreme court or to an appellate court by fax or email will only be filed if the party is authorized to submit the document in that manner under rule 6.100(3) (exemptions from mandatory use of EDMS). Documents from an exempted party transmitted by fax or email may only be transmitted pursuant to a prior arrangement with the clerk of the supreme court. Failure to comply with the submission requirements may result in the imposition of sanctions: the document transmitted may be stricken or deemed not filed, the appeal or review may be dismissed, or other appropriate action may be taken. Documents submitted by fax are subject to a fax fee of \$3 per page, excluding the cover page.

[Court Order October 31, 2008, effective January 1, 2009; June 29, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.702 Service.

- **6.702(1)** Filer's duty to ensure service. Documents filed with the clerk of the supreme court must be served on all other parties to the appeal or review and on any nonparty required to be served by these rules unless the appropriate appellate court orders otherwise. The filer must ensure that all required service is accomplished pursuant to Iowa Rs. Elec. P. 16.315 and 16.319(1)(c).
- **6.702(2)** Electronic service on registered filers. Filed documents are electronically served pursuant to Iowa R. Elec. P. 16.315(1). Electronic service is not effective if the filer learns that the notice of electronic filing was not transmitted to a party.
- **6.702(3)** Service of paper copies on nonregistered parties. The filer must serve nonregistered (exempted) filers and not-yet-registered filers in paper pursuant to Iowa R. Elec. P. 16.315(2). A certificate of service must be filed for all documents not served by EDMS pursuant to Iowa R. Elec. P. 16.316.
- **6.702(4)** Service on court reporters. Required service on a court reporter must be made by email, mail, fax, or hand-delivery.
- **6.702(5)** Additional time after service. Whenever a party is required or permitted to do an act within a prescribed period after service of a document upon that party and the document is served by mail, email, or fax transmission, three days shall be added to the prescribed period. Such additional time shall not be applicable where the deadline runs from entry or filing of a judgment, order, decree or opinion.

[Court Order November 18, 2016, effective March 1, 2017]

Rule 6.703 Filing fees and copies.

6.703(1) *Filing fees.*

- a. Appeal from final order or judgment. The fee for filing a notice of appeal from a final order or judgment is \$150. The appellant shall pay the fee to the clerk of the supreme court within seven days after filing the notice of appeal. If the court determines the appeal is not from a final order or judgment, the clerk shall not refund any part of the filing fee.
- b. Application for interlocutory appeal. The fee for filing an application for interlocutory appeal is \$100. The appellant shall pay the fee to the clerk of the supreme court at the time the application is filed. If the application is granted, the appellant shall pay an additional \$50 fee within seven days after the order granting the application is filed.
- c. Application for discretionary review. The fee for filing an application for discretionary review is \$100. The appellant shall pay the fee to the clerk of the supreme court at the time the application is filed. If the application is granted, the appellant shall pay an additional \$50 fee within seven days after the order granting the application is filed.
- d. Petition for writ of certiorari. The fee for filing a petition for writ of certiorari is \$100. The certiorari plaintiff shall pay the fee to the clerk of the supreme court at the time the petition is filed. If the petition is granted, the plaintiff shall pay an additional \$50 fee within seven days after the order granting the petition is filed.
- e. Original proceeding other than certiorari. The fee for filing an original proceeding other than certiorari is \$150. The initiating party shall pay the fee to the clerk of the supreme court at the time the proceeding is filed.
- f. Certified questions of law. The fee for filing a certification order is \$150. The appellant shall pay the fee to the clerk of the supreme court within seven days after the certification order is filed.
- g. Application for further review. The fee for filing an application to the supreme court for further review of a decision of the court of appeals is \$75. The applicant shall pay the fee to the clerk of the supreme court at the time of filing the application for further review.

6.703(2) Waiver or deferral of filing fees.

- a. Waiver of filing fees.
- (1) State as filing party. If the State of Iowa is the filing party, the clerk shall waive any filing fees.
- (2) Criminal defendant as filing party. If a criminal defendant is the filing party and there has been a district court finding of indigency, the clerk shall waive any filing fees upon the defendant's motion. The defendant's motion to waive the filing fee shall be accompanied by a copy of the district court's order finding the defendant indigent. If a criminal defendant is the filing party and the appellate defender's office has been appointed to represent the defendant, the clerk shall waive any filing fees.
- (3) Postconviction applicant as filing party. If an applicant under Iowa Code section 822.9 of the Uniform Postconviction Procedure Act is the filing party and there has been a district court finding of indigency, the clerk shall waive any filing fees upon the applicant's motion. The applicant's motion to waive the filing fee shall be accompanied by a copy of the district court's order finding the applicant indigent.
- (4) Waiver of filing fee authorized by other rule or statute. If waiver of the filing fee is otherwise authorized by a rule or statute, the clerk shall waive the filing fee upon motion. The motion shall state the applicable rule or statute which authorizes waiver of the filing fee.
- b. Deferral of filing fee. If a rule, statute, or court order authorizes a party to defer payment of a filing fee, the clerk shall enter an order deferring the fee upon motion. The motion shall state the applicable rule or statute, or have attached the court order which authorizes deferral of the filing fee.
- **6.703(3)** Copies. The fee for providing paper copies of documents is 50 cents for each page. The fee for providing electronic copies of documents is 50 cents for each page for documents of fewer than ten pages and \$5 for each document or part thereof for documents of ten or more pages. An additional fee of \$10 applies for a certified copy of a document.

[Court Order October 31, 2008, effective January 1, 2009; December 18, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rules 6.704 to 6.800 Reserved.

DIVISION VIIIRECORD ON APPEAL

Rule 6.801 Composition of record on appeal. Only the original documents and exhibits filed in the district court case from which the appeal is taken, the transcript of proceedings, if any, and a

certified copy of the related docket and court calendar entries prepared by the clerk of the district court constitute the record on appeal.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rule 6.802 Transmission of record.

6.802(1) Transmission of notice of appeal and the combined general docket. The clerk of the district court will electronically transmit certified copies of the notice of appeal, the notice of cross-appeal, if any, and the combined general docket in the district court proceeding to the clerk of the supreme court, any court reporter who reported a proceeding that is the subject of the appeal, and the attorney general in juvenile cases and other cases in which the State of Iowa is an interested party whether or not the attorney general has appeared in the district court. Transmission must be completed within four days after the filing of the notice of appeal or the notice of cross-appeal, if any.

6.802(2) Transmission of record on appeal. No later than seven days after all briefs in final form have been filed or the times for filing them have expired, the appellant must file a request with the clerk of the district court to transmit the record to the clerk of the supreme court. If the appeal is from a termination-of-parental-rights or a child-in-need-of-assistance case, the appellant must file a request with the clerk of the district court to transmit to the clerk of the supreme court any remaining record within 30 days after the filing of the notice of appeal. Any nonelectronic document or exhibit that may reasonably be maintained electronically must be converted to an electronic document and transmitted to the clerk of the supreme court electronically. Physical media such as CDs, DVDs, or USB drives containing electronic documents or exhibits that cannot be maintained by EDMS shall be transmitted to the clerk of the supreme court with the record. Nonelectronic exhibits of unusual bulk or weight shall not be transmitted by the clerk unless a party or the clerk of the supreme court requests transmission. A party must make advance arrangements with the clerk of the district court for the transmission and the clerk of the supreme court for the receipt of exhibits of unusual bulk or weight.

6.802(3) Request to transmit record in Iowa Rule of Appellate Procedure 6.1005 cases. At the time of filing a motion to withdraw pursuant to rule of appellate procedure 6.1005(2), counsel must file a request with the clerk of the district court to transmit the record to the clerk of the supreme court. See rule 6.1005(4).

6.802(4) Certification of confidential record. Whenever the clerk of the district court transmits to the clerk of the supreme court or to a party a district court record or any portion of a district court record that is declared by any statute or rule of the supreme court to be confidential, the clerk of the district court shall certify its confidential nature. The certificate shall cite the applicable statute or rule, be signed by the clerk of the district court, and be affixed on top of the cover page of the record or portion of the record.

6.802(5) Retention of trial record in district court. If the record or any part of it is required in the district court for use pending the appeal, the district court may order its retention. In such cases, the clerk of the district court shall retain the record or parts of it in compliance with the district court's order and shall transmit to the clerk of the supreme court a copy of the order, a certified copy of the records retained pursuant to the order, and the remaining records that are not retained under the district court's order. The appellate court may require transmission of an original record retained pursuant to the order. The parts of the record not transmitted to the clerk of the supreme court shall be part of the record on appeal for all purposes.

6.802(6) Portions of record not transmitted. Any parts of the record not transmitted to the clerk of the supreme court shall, on request of an appellate court or any party, be transmitted by the clerk of the district court to the clerk of the supreme court.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.803 Transcript.

6.803(1) Ordering transcript. Within seven days after filing the notice of appeal, the appellant must use the combined certificate to order in writing from the court reporter a transcript of such parts of the proceedings not already on file as the appellant deems necessary for inclusion in the record. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion.

- **6.803(2)** Form of transcript. The following transcript format requirements must be followed whether the transcript is produced in printed or electronic format.
- a. Page layout. A page of transcript must consist of no fewer than 25 lines per page of type on document pages 8 1/2 by 11 inches in size. Margins must be 1 1/8 inches on each side and 1 inch on the top and bottom. Pages must be numbered consecutively in the upper right-hand corner. If the transcript for a proceeding consists of multiple volumes, the volumes must not be consecutively paginated.
- b. Font. A monospaced typeface may not contain more than 10 characters per inch. Font size shall be 12 point.
- c. Question-and-answer form. Questions and answers shall each begin a new line of transcript. Indentations for speakers or paragraphs shall not be more than 10 spaces from the left-hand margin. Testimony of a new witness may be started on a new page where the prior witness's testimony ends below the center of the preceding page.
 - d. Index. Transcripts shall include an index of witnesses and exhibits.
- e. Reporter's certificate of filing the transcript. In addition to the transcript, the reporter shall prepare and file with the clerk of the supreme court a reporter's certificate of filing the transcript. The certificate must contain the case caption, the date the transcript was ordered, the name of the attorney or other person ordering the transcript, and the date it was filed with the district court.
- f. Condensed transcripts not permitted. Condensed transcripts, which include multiple pages of transcript on a single page, may not be submitted.
- g. Format of electronic transcripts. Electronic transcripts must be prepared to be text searchable and comply with Iowa R. Elec. P. 16.402.
- **6.803(3)** Filing transcript. The reporter will file the transcript with the clerk of the district court and file the reporter's certificate of filing the transcript with the clerk of the supreme court. The transcript and the reporter's certificate of filing the transcript must be filed within the following number of days from service of the combined certificate:
 - a. 20 days guilty pleas and sentencing.
- b. 30 days child-in-need-of-assistance and termination-of-parental-rights proceedings under chapter 232.
 - c. 40 days all other cases.
- If a reporter cannot file the transcript and certificate of filing the transcript in the time allowed under this rule, the reporter shall file with the clerk of the supreme court an application for extension of time and shall serve a copy on all counsel of record, any unrepresented parties, and the chief judge of the judicial district. The application shall include the estimated date of completion, the approximate page length of the transcript, and the grounds for requesting the extension.
- **6.803(4)** Charges for transcription. Pursuant to Iowa Code section 602.3202, the maximum compensation of reporters for transcribing their official notes shall be as provided in Iowa Ct. R. 22.28.
- **6.803(5)** Payment for transcript. The ordering party must make satisfactory arrangements with the reporter for payment of the transcript costs. The cost of the transcript shall be taxed in the district court.
- **6.803(6)** Notice of filing transcript. The clerk of the supreme court shall give notice, in a notice of the briefing deadline, to all parties or their attorneys of the date on which the last transcript ordered for the appeal was filed.

[Court Order October 31, 2008, effective January 1, 2009; March 9, 2009; November 18, 2016, effective March 1, 2017; December 6, 2016, effective March 1, 2017]

Rule 6.804 Combined certificate.

- **6.804(1)** Duty of the appellant to file combined certificate. In all cases, the appellant must complete the combined certificate form found in form 2 in rule 6.1401. The combined certificate must be separately filed with the clerks of both the district court and the supreme court within seven days after filing the notice of appeal or appointment of new appellate counsel, whichever is later. The appellant must serve the combined certificate on each court reporter from whom a transcript was ordered. See rule 6.702(4).
- **6.804(2)** Certification of ordering transcript. If a report of the evidence or proceedings at a hearing or trial was made and is available and the appellant deems some or all of that report necessary for inclusion in the record on appeal, the appellant shall certify in the combined certificate that the transcript has been ordered. This certification shall be deemed a professional statement by

the attorney signing it that the transcript has been ordered in good faith, that no arrangements have been made or suggested to delay the preparation of the transcript, and that payment for the transcript will be made in accordance with these rules.

6.804(3) Appellant's designation of parts of transcript ordered. Unless all of the proceedings are to be transcribed, the appellant shall describe in the combined certificate the parts of the proceedings ordered transcribed and state the issues appellant intends to present on appeal.

6.804(4) Statement that expedited deadlines apply. The appellant shall indicate in the combined certificate whether the expedited deadlines of rule 6.902 apply.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.805 Appellee's designation of additional parts of transcript.

6.805(1) Appellee's designation. If the appellee deems a transcript of other parts of the proceedings to be necessary, the appellee must separately file a designation of additional parts to be transcribed with the clerks of both the district court and the supreme court and must serve the designation on the court reporter within ten days after service of the combined certificate.

6.805(2) Disputes regarding transcription. The parties are encouraged to agree on which parts of the proceedings are to be transcribed. Any disputes concerning which parts of the proceedings are to be transcribed and which party is to advance payment to the reporter for transcription are to be submitted to the district court. If the appellant shall within four days fail or refuse to order such parts, the appellee shall either order the parts or apply to the district court to compel the appellant to do so.

6.805(3) Supplemental certificate. Within seven days after the appellee has served a designation of additional parts of the proceedings requested to be transcribed, the party ordering additional proceedings must use the supplemental certificate found in form 3 in rule 6.1401 to order the additional proceedings transcribed, serve it on the court reporter, and file it with the clerks of both the district court and the supreme court.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.806 Proceedings when transcript unavailable.

6.806(1) Statement of the evidence or proceedings. A statement of the proceedings may be prepared to create a record of a hearing or trial for which a transcript is unavailable if a party deems it necessary to complete the record on appeal. The statement of the proceedings must be prepared from the best available means, including the party's recollection. The statement must be filed with the clerk of the district court within 20 days after the filing of the notice of appeal or within 10 days after the party discovers a transcript of a proceeding is unavailable.

6.806(2) Objections to statement. The opposing party may file with the clerk of the district court objections or proposed amendments to the statement within ten days after service of the statement.

6.806(3) Approval of statement by district court. The statement and any objections or proposed amendments shall be submitted to the district court for settlement and approval. The statement as settled and approved shall be filed with the clerk of the district court and the clerk of the supreme court

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rule 6.807 Correction or modification of the record. If any difference arises as to whether the record truly discloses what occurred in the district court, commission, agency, or other tribunal, the difference shall be submitted to and settled by that court, commission, agency or other tribunal and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation or the district court, commission, agency, or other tribunal, either before or after the record is transmitted to the supreme court, or the appropriate appellate court on proper suggestion or on its own initiative, may direct that the omission or misstatement be corrected and if necessary that a supplemental record be certified and transmitted. A copy of any request to correct or modify the record shall be filed with the clerk of the supreme court. All other questions as to the form and content of the record shall be presented to the supreme court, unless the questions arise after the case has been transferred to the court of appeals, in which event, they shall be presented to that court.

[Court Order October 31, 2008, effective January 1, 2009; March 9, 2009]

DIVISION IXBRIEFS AND APPENDIX

Rule 6.901 Filing and service of briefs and amendments.

- **6.901(1)** *Time for filing proof briefs.* Except for cases expedited under rule 6.902, the following filing deadlines shall apply:
- a. Appellant's proof brief. The appellant shall file a proof copy of the appellant's brief within 50 days after the date the clerk gives the notice of the briefing deadline required under rule 6.803(6) that the last transcript ordered for the appeal has been filed. If no transcript is ordered or if the transcript is unavailable, the appellant shall file a proof copy of the appellant's brief within 50 days after the clerk gives notice of the briefing deadline.
- b. Appellee's proof brief. Within 30 days after service of the appellant's proof brief, the appellee shall file either a proof copy of the appellee's brief, a written statement under rule 6.903(3) waiving the brief, or a combined appellee's/cross-appellant's brief pursuant to rule 6.903(5).
- c. Reply briefs. If a cross-appeal has not been filed, the appellant may file a proof copy of a reply brief within 21 days after service of the appellee's proof brief. If a cross-appeal has been filed, the appellant/cross-appellee shall respond within 21 days after service of the appellee/cross-appellant's proof brief by filing either a proof copy of a reply brief or a statement waiving any further proof brief. If the appellant/cross-appellee files a reply brief, the appellee/cross-appellant may file a reply brief in final form under rule 6.903(5) within 14 days after service of the appellant's/cross-appellee's reply brief.
- d. Counsel's duty to serve brief on defendant, applicant, or respondent. In addition to the service requirements of rule 6.702, appellate counsel for a criminal defendant, a postconviction applicant, or a respondent committed under Iowa Code chapter 229A must serve a copy of counsel's proof brief and designation of parts upon the defendant, applicant, or respondent. Counsel must indicate such service in the certificate of service on the proof brief and on the designation of parts. The certificate of service must include the address at which the defendant, applicant, or respondent was served.

6.901(2) Pro se supplemental briefs.

- a. Filing of supplemental brief. Any criminal defendant, applicant for postconviction relief, or respondent committed under Iowa Code chapter 229A may submit a pro se supplemental brief or designation of appendix to the clerk of the supreme court within 15 days after service of the proof brief filed by their counsel. Any pro se supplemental brief or designation submitted beyond this period by a properly served defendant, applicant, or respondent will not be considered by the court and no response by the State will be allowed. The pro se supplemental brief cannot exceed more than one-half of the length limitations for a required brief specified in rule 6.903(1)(g) unless otherwise ordered by the court for good cause shown. A pro se supplemental brief may be filed by the pro se filer or by the pro se filer's counsel.
- b. Pro se as appellant. If the defendant, applicant, or respondent is the appellant, the State's proof brief must be filed within 30 days after service of the pro se supplemental brief, and the State must serve a copy of its proof brief upon the appellant. Within the time provided for the appellant's counsel to file a reply brief, the appellant may also file a pro se supplemental reply brief. The pro se supplemental reply brief cannot exceed more than one-half of the length limitations for a reply brief specified in rule 6.903(1)(g) unless otherwise ordered by the court for good cause shown. Counsel for the appellant shall be responsible for including any additional designated parts of the record in the appendix.
- c. State as appellant. If the State is the appellant, the State must serve and file the appendix and a reply brief, if any, within 21 days after service of the pro se supplemental brief, and the State shall be responsible for including any additional designated parts in the appendix.
- d. Counsel's duty to ensure filing and service of supplemental briefs. Counsel for the defendant, applicant, or respondent must ensure that pro se supplemental briefs have been electronically filed and ensure that service has been accomplished pursuant to rule 6.702.
- **6.901(3)** Time for filing briefs in final form. Within 14 days after service of the appendix pursuant to rule 6.905(11), each party must file the party's brief or briefs in the final form prescribed by rule 6.903 and 6.904(4)(b).
- **6.901(4)** Other supplemental briefs. If the appellate court concludes supplemental briefs from the parties will assist the court in deciding any issue in the case, it shall file an order prescribing the issue or issues to be addressed, the length of such brief, and the schedule for filing them.

- **6.901(5)** *Multiple adverse parties.* If the time for doing any act prescribed by these rules is measured from the date of service of a document by an adverse party, then in the case of multiple adverse parties the time for doing such act shall be measured from the date of service of the last timely served document by an adverse party or the date of expiration of time for such service.
- **6.901(6)** Amendments. An appellant may amend a required brief once within 15 days after serving the brief, provided no brief has been served in response to it. The time for serving and filing of the appellee's brief shall be measured from the date of service of the amendment to the appellant's brief. An appellee's brief may be amended once within 10 days after service, provided no brief has been served in reply to it. The time for serving and filing the appellant's reply brief shall be measured from the date of service of the amendment to the appellee's brief. A reply brief may be amended once within seven days after it is served. Any other amendments to the briefs may be made only with leave of the appropriate appellate court. An amendment may be conditionally filed with a motion for leave.
- **6.901(7)** Deadlines shortened by order. The supreme court may shorten the periods for serving and filing proof and final briefs.

[Court Order October 31, 2008, effective January 1, 2009; March 9, 2009; November 18, 2016, effective March 1, 2017; July 20, 2017]

Rule 6.902 Cases involving expedited times for filing briefs and appendix.

6.902(1) Expedited cases. The following cases shall be expedited on appeal:

- a. Child custody.
- b. Adoption.
- c. Termination-of-parental-rights cases under Iowa Code chapter 600A.
- d. Child-in-need-of-assistance or termination-of-parental-rights cases under Iowa Code chapter 232 (when full briefing has been granted).
- e. Criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.
 - f. Juvenile proceedings affecting child placement.
 - g. Lawyer disciplinary matters.
 - h. Involuntary mental health commitments under Iowa Code chapter 229.
 - i. Involuntary substance abuse commitments under Iowa Code chapter 125.
 - j. Certified questions under Iowa Code chapter 684A.
- **6.902(2)** Filing deadlines. The time for serving and filing proof briefs, other than reply briefs, and the time for designating the contents of the appendix shall be reduced by one-half of the time provided in rules 6.901(1) and 6.905(1)(b). The appendix and reply briefs, except an appellee/cross-appellant's reply brief, shall be served and filed not more than 15 days after service or expiration of the time for service of the appellee's proof brief, and printed or duplicated copies of all the briefs in final form shall be served and filed within seven days after service of the appendix. An appellee/cross-appellant's reply brief may be served and filed not more than seven days after service of the appellant's/cross-appellee's reply brief. The litigants will not be given extensions of time in which to comply with the expedited deadlines except upon a showing of the most unusual and compelling circumstances.
- **6.902(3)** *Priority.* Each case subject to this rule shall be given the highest priority at all stages of the appellate process. These appeals shall be accorded submission precedence over other civil cases.
- **6.902(4)** *Transcripts.* Court reporters shall give priority to transcription of proceedings in these cases over other civil transcripts.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.903 Briefs.

6.903(1) Form of briefs.

- a. Reproduction. A brief must show clear black text or images on a white background. A brief filed in paper may be reproduced by any process that yields a clear black image on white paper. The paper must be opaque and unglazed. Briefs filed in paper must comply with Iowa R. Elec. P. 16.303.
 - b. Form of front covers. The front covers of the briefs shall contain:
 - (1) The name of the court and the appellate number of the case.
 - (2) The caption on appeal. See rule 6.109(2).
- (3) The nature of the proceeding (e.g., Appeal, Certiorari) and the name of the court and judge, agency, or board whose decision is under review.
 - (4) The title of the document (e.g., Brief for Appellant).

- (5) The name, address, telephone number, e-mail address, and fax number of counsel or the self-represented party filing the brief.
- c. Searchable .pdfs. Every appellate brief must be filed into the appellate case as a searchable .pdf document.
- d. Document size, line spacing, margins, and page numbering. The brief must be an 8½ by 11 inch document. The text must be double-spaced, but quotations more than 40 words long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be 1¼ inches on each side and 1 inch on the top and bottom. Page numbers must be located at the bottom center of each page. The pages must be numbered consecutively using Arabic whole numbers. The cover page must be numbered page one. Any blank pages must be numbered. Roman numerals may not be used as page numbers. Page numbers must match the digital page numbers of the electronic document.
 - e. Typeface. Either a proportionally spaced or a monospaced typeface may be used.
- (1) A proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced typeface must be 14 point or larger for all text, including footnotes. Examples of proportionally spaced typeface with serifs that can be used in the body of a brief are Cambria, Bookman Old Style, Century Schoolbook, Times New Roman, Baskerville Old Face, Garamond, or Georgia.
- (2) A monospaced typeface may not contain more than 10 1/2 characters per inch for all text, including footnotes. Examples of monospaced typeface that can be used in the body of a brief are Courier 12 point and Consolas 12 point.
- f. Type styles. A brief must be set in a plain style. Italics or boldface may be used for emphasis. Case names must be italicized or underlined.
 - g. Length. The maximum length of a brief is determined by whether it is printed or handwritten.
- (1) Proportionally spaced typeface. If a required brief uses a proportionally spaced typeface it shall contain no more than 14,000 words. A reply brief shall contain no more than half of the type volume specified for a required brief. The headings, footnotes, and quotations count toward the word limitation. The table of contents, table of authorities, statement of the issues, and certificates do not count toward the word limitation.
- (2) Monospaced typeface. If a required brief uses a monospaced typeface it shall contain no more than 1,300 lines of text. A reply brief shall contain no more than half of the type volume specified for a required brief. The headings, footnotes, and quotations count toward the line limitation. The table of contents, table of authorities, statement of the issues, and certificates do not count toward the line limitation
- (3) Handwritten briefs. A required brief that is handwritten may not exceed 50 pages or a reply brief 25 pages. The headings, footnotes, and quotations count toward the page limitation. The table of contents, table of authorities, statement of the issues, and certificates do not count toward the page limitation.
- (4) Certificate of compliance. A brief submitted under rule 6.903(1)(g)(1) or (2) must include a certificate of compliance using form 7 of rule 6.1401.
- h. Printing or duplicating taxed as costs. To the extent reasonable, the costs of printing or duplicating a brief may be taxed in the appellate court as costs. Reasonable printing or duplicating costs may not exceed actual costs or \$1 per page, whichever is lower, unless otherwise ordered by the appropriate appellate court. The costs of any printing or duplication not required by these rules may not be taxed as costs.
- **6.903(2)** Appellant's brief. The appellant shall file a brief containing all of the following under appropriate headings and in the following order:
 - a. A table of contents. The table of contents shall contain page references.
- b. A table of authorities. The table of authorities shall contain a list of cases (alphabetically arranged), statutes, and other authorities cited, with references to all pages of the brief where they are cited.
- c. A statement of the issues presented for review. Each issue shall be numbered and stated separately in the same order as they are presented in the argument. All authorities referred to in the argument shall be listed under each issue.
- d. A routing statement. The routing statement shall indicate whether the case should be retained by the supreme court or transferred to the court of appeals and shall refer to the applicable criteria in rule 6.1101.

- e. A statement of the case. The statement shall indicate briefly the nature of the case, the relevant events of the prior proceedings, and the disposition of the case in the district court. If a defendant appeals from a criminal conviction, the statement shall include the crimes for which the defendant was convicted and the sentence imposed. All portions of the statement shall be supported by appropriate references to the record or the appendix in accordance with rule 6.904(4).
- f. A statement of the facts. The statement shall recite the facts relevant to the issues presented for review. All portions of the statement shall be supported by appropriate references to the record or the appendix in accordance with rule 6.904(4).
- g. An argument section. The argument section shall be structured so that each issue raised on appeal is addressed in a separately numbered division. Each division shall include in the following order:
- (1) A statement addressing how the issue was preserved for appellate review, with references to the places in the record where the issue was raised and decided.
- (2) A statement addressing the scope and standard of appellate review (e.g., "de novo," "correction of errors of law," "abuse of discretion"), citing relevant authority.
- (3) An argument containing the appellant's contentions and the reasons for them with citations to the authorities relied on and references to the pertinent parts of the record in accordance with rule 6.904(4). Failure to cite authority in support of an issue may be deemed waiver of that issue.
 - h. A conclusion. A short conclusion stating the precise relief sought.
- i. A request for oral or nonoral submission. A request to submit the case with or without oral argument.
- *j. Certificate of cost.* The amount actually paid for printing or duplicating paper copies of briefs in final form required by these rules must be certified by the attorney.
- **6.903(3)** Appellee's brief. The appellee shall file a brief or a statement waiving the appellee's brief. If the appellee files a brief, the brief shall conform to the requirements of rule 6.903(2), except that a statement of the case or a statement of the facts need not be included unless the appellee is dissatisfied with the appellant's statements. Each division of the appellee's argument shall begin with a discussion of whether the appellee agrees with the appellant's statements on error preservation, scope of review, and standard of review.
- **6.903(4)** Appellant's reply brief. The appellant may file a brief in reply to the brief of the appellee. The reply brief does not need to contain the sections required by rule 6.903(2)(d), 6.903(2)(e), 6.903(2)(g)(1), 6.903(2)(g)(2), or 6.903(2)(i). Unless a cross-appeal is filed, no further briefs may be filed without leave of the appropriate appellate court.
- **6.903(5)** Briefs in cross-appeals. The brief of the appellee/cross-appellant shall respond to the brief of the appellant and then address the issues raised in the cross-appeal. The appellant/cross-appellee shall file a reply brief responding to the issues presented by the cross-appeal or a statement waiving the reply brief. The appellee/cross-appellant may file a reply brief responding to the appellant/cross-appellee's reply brief.
- **6.903(6)** Multiple appellants or appellees. In a case involving a cross-appeal, an appellee who has not filed a cross-appeal shall file a brief that either responds to or waives response to the issues raised in the appellant's brief, and then addresses the issues raised in the cross-appeal. The appellant shall then file either a brief that addresses the appeal and/or cross-appeal issues, or a statement waiving any responsive brief. If the appellant files a brief that addresses the cross-appeal issues, the appellee may file a reply brief limited to those issues.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rule 6.904 References in briefs.

6.904(1) To the parties. In briefs counsel should minimize references to parties by such designations as "appellant" and "appellee" and should use the actual names of the parties or descriptive terms such as "the plaintiff," "the defendant," "the employee," "the injured person," "the taxpayer," or "the decedent."

6.904(2) To legal authorities.

a. Cases. In citing cases, the names of parties must be given. In citing Iowa cases, reference must be made to the volume and page where the case may be found in the North Western Reporter. If the case is not reported in the North Western Reporter, reference must be made to the volume and page where the case may be found in the Iowa Reports. In citing cases, reference must be made to the court that rendered the opinion and the volume and page where the opinion may be found in the National

- Reporter System, if reported therein. *E.g.*, _ N.W.2d _ (Iowa 20_); _ N.W.2d _ (Iowa Ct. App. 20_); _ S.W.2d _ (Mo. Ct. App. 20_); _ U.S. _, _ S. Ct. _ (20_); _ F.3d _ (Cir. 20_); _ F. Supp. 2d _ (S.D. Iowa 20_). When quoting from authorities or referring to a particular point within an authority, the specific page or pages quoted or relied upon must be given in addition to the required page references.
 - b. Iowa Court Rules. When citing the Iowa Court Rules, parties must use the following references:
- (1) "Iowa R. Civ. P."; "Iowa R. Crim. P."; "Iowa R. Evid."; "Iowa R. App. P."; "Iowa R. Elec. P."; "Iowa R. of Prof'l Conduct"; and "Iowa Code of Judicial Conduct" when citing those rules.
 - (2) "Iowa Ct. R." when citing all other rules.
- c. Unpublished opinions or decisions. An unpublished opinion or decision of a court or agency may be cited in a brief if the opinion or decision can be readily accessed electronically. Unpublished opinions or decisions shall not constitute controlling legal authority. When citing an unpublished opinion or decision a party shall include an electronic citation indicating where the opinion may be readily accessed online. E.g., No. ______, WL _____, at * (20).
 - d. Other authorities. When citing other authorities, references must be made as follows:
 - (1) Citations to codes shall include the section number and date.
- (2) Citations to treatises, textbooks, and encyclopedias must include the edition and the section or page as applicable.
 - (3) Citations to all other authorities shall include the page or pages.
 - e. Internal cross-references. Use of "supra" and "infra" is not permitted.
- **6.904(3)** To legal propositions. The following propositions are deemed so well established that authorities need not be cited in support of them:
- a. Findings of fact in a law action, which means generally any action triable by ordinary proceedings, are binding upon the appellate court if supported by substantial evidence.
- b. In considering the propriety of a motion for directed verdict, the court views the evidence in the light most favorable to the party against whom the motion was made.
- c. In ruling upon motions for new trial, the district court has a broad but not unlimited discretion in determining whether the verdict effectuates substantial justice between the parties.
 - d. The court is slower to interfere with the grant of a new trial than with its denial.
- e. Ordinarily, the burden of proof on an issue is upon the party who would suffer loss if the issue were not established.
 - f. In civil cases, the burden of proof is measured by the test of preponderance of the evidence.
- g. In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the district court, but is not bound by them.
- *h.* The party who so alleges must, unless otherwise provided by statute, prove negligence and proximate cause by a preponderance of the evidence.
- *i.* A motorist upon a public highway has a right to assume that others using the road will obey the law, including statutes, rules of the road, and necessity for due care, at least until the motorist knows or in the exercise of due care should have known otherwise.
- *j*. Generally questions of negligence, contributory negligence, and proximate cause are for the jury; it is only in exceptional cases that they may be decided as matters of law.
- k. Reformation of written instruments may be granted only upon clear, satisfactory, and convincing evidence of fraud, deceit, duress, or mutual mistake.
- *l.* Written instruments affecting real estate may be set aside only upon evidence that is clear, satisfactory, and convincing.
- m. In construing statutes, the court searches for the legislative intent as shown by what the legislature said, rather than what it should or might have said.
- n. In the construction of written contracts, the cardinal principle is that the intent of the parties must control, and except in cases of ambiguity, this is determined by what the contract itself says.
- o. In child custody cases, the first and governing consideration of the courts is the best interests of the child.
 - p. Direct and circumstantial evidence are equally probative.
- q. Even when the facts are not in dispute or contradicted, if reasonable minds might draw different inferences from them a jury question is engendered.

6.904(4) *To the record.*

a. Proof briefs. Proof briefs must contain references to the pages of the parts of the record, e.g., Petition p. 6, Judgment p. 5, Transcript v. II p. 298, Lines 15-24.

- b. Final briefs. In final briefs, the parties must replace references to parts of the record with citations to the page or pages of the appendix at which those parts appear. The final brief must also contain a reference to the original page and line numbers of the transcript. If references are made in the final briefs to parts of the record not reproduced in the appendix, the references must be to the pages of the parts of the record involved, e.g., Answer p. 7, Motion for Judgment p. 2, Tr. p. 231 Ll. 8-21. Intelligible abbreviations may be used. No other changes may be made in the proof briefs as initially filed, except that typographical errors may be corrected.
- **6.904(5)** Hyperlinks and other electronic navigational aids. Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court and the parties subject to the limitations of Iowa R. Elec. P. 16.312. A party may not use hyperlinks or other navigational aids to circumvent any page limitations set by these rules.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.905 Appendix.

6.905(1) Designation of contents.

- a. The parties are encouraged to agree as to the contents of the appendix.
- b. The designation of parts of the district court record to be included in the appendix must be filed by each party when the proof copy of the party's required brief, other than appellant/cross-appellee's reply brief, is filed. An appellee who is satisfied with the appellant's designation need not designate additional parts for inclusion, but must file a statement indicating the appellee is not designating additional parts of the record. If the appellee designates additional parts for inclusion in the record, the designation must indicate which documents, if any, include protected or confidential information; where in the documents the protected or confidential information can be found; the rule, statute, or court order making the information protected or confidential; and whether the information should be contained in a confidential appendix. In designating parts of the record for inclusion in the appendix, the parties must consider the fact that the entire record is available to the appellate courts for examination and may not engage in unnecessary designation.
 - c. The appellant shall include in the appendix the parts designated by the appellee.

6.905(2) Duty of appellant; content.

- a. The appellant shall prepare and file an appendix.
- b. The appendix shall contain:
- (1) A table of contents.
- (2) A list of the relevant docket entries in the district court proceeding.
- (3) Relevant portions of the pleadings, transcript, exhibits, instructions, findings, conclusions, and opinion. Any pleading included in the appendix shall include the caption, signature block, and certificate of service. Summaries, abstracts, or narratives shall not be used.
 - (4) A file-stamped copy of the judgment, order, or decision in question.
- (5) A file-stamped copy of any notices of appeal or cross-appeal, including any certificate(s) of service.
 - (6) The text of any agency rule that is cited in the parties' briefs.
 - (7) Other parts of the record to which the parties wish to direct the court's attention.

6.905(3) Cover; form.

- a. The requirements set out in rule 6.903(1) governing the printing, typeface, spacing, page size, margins, binding, and the form and content of the front cover of briefs must also be followed in the preparation of the appendix.
- b. Copies of pleadings, exhibits, and other documents may be reduced or enlarged to 8 1/2 by 11 inches for insertion in the appendix. All such copies must be legible.
- c. Page numbers must be located at the bottom center of each page. The pages must be numbered, consecutively using Arabic whole numbers. The cover page must be numbered page one. Any blank pages must be numbered. Roman numerals may not be used as page numbers. If the appendix consists of multiple volumes, the volumes may not be consecutively paginated, and references to the page numbers must include both the volume number and the page number, e.g., Appendix v. II p. 256.

6.905(4) *Table of contents.*

a. The appendix must include a table of contents identifying each part of the record included and disclosing the page number at which each part begins in the appendix. If the appendix consists of multiple volumes, the table of contents in each volume must disclose the contents and page numbers of all volumes.

- APPELLATE PROCEDURE
- b. If portions of a court reporter's transcript of testimony are included in the appendix, the table of contents shall state the name of each witness whose testimony is included and the appendix page at which each witness's testimony begins.
- c. If exhibits are included in the appendix, the table of contents shall identify each exhibit by the number or letter with which it was marked in the district court, give a concise description of the exhibit (e.g., "warranty deed dated . . ."; "photograph of construction site"; "Last Will and Testament executed on . . . "), and state the page number at which the exhibit appears in the appendix.
- **6.905(5)** Relevant docket entries. The docket entries relevant to the appeal shall be listed on a separate page immediately following the table of contents.
- **6.905(6)** Verbatim; paginated; in chronological order. Following the table of contents and the list of relevant docket entries, other parts of the record of proceedings relevant to the issues raised in the appeal shall be included verbatim on consecutively numbered pages and in the chronological order in which the proceedings occurred.
- 6.905(7) Transcripts of proceedings and depositions. If a transcript or deposition entered into evidence is not filed electronically, relevant portions must be included in the appendix. Relevant portions of an electronically filed transcript or evidentiary deposition may but need not be included. The following rules apply to all portions of transcripts and evidentiary depositions included in the appendix.
- a. Any portion of a transcript or deposition included in the appendix shall be preceded by a copy of the reporter's cover sheet disclosing the date(s) of the proceedings and the names of the participants.
- b. Any portion of a transcript of proceedings shall appear in the chronological order of the proceedings.
- c. The name of each witness whose testimony is included in the appendix shall be inserted on the top of each appendix page where the witness's testimony appears.
- d. The transcript page number shall be placed in brackets at the place in the appendix where the testimony from that transcript page begins.
- e. The omission of any transcript page(s) or portion of a transcript page shall be indicated by a set of three asterisks at the location on the appendix page where the matter has been omitted.
- **6.905(8)** Separate volume for exhibits. Relevant portions of exhibits included in the appendix may be indexed and contained in a separate volume or volumes. Relevant portions of the transcript of a proceeding before an administrative agency, board, commission, or officer, used in an action in the district court, may be regarded as an exhibit for the purpose of this rule.
- 6.905(9) Asterisks must denote omitted portions of exhibits and other documents. If part of an exhibit or other document is omitted from the appendix, the omission must be indicated by a set of three asterisks at the location on the appendix page where the matter has been omitted.
 - **6.905(10)** *Matters not included in the appendix.*
- a. Trial briefs shall not be included in the appendix unless necessary to establish preservation of error on an issue argued on appeal. When included to establish error was preserved, relevant portions of an unfiled trial brief shall be made a part of the record pursuant to rule 6.807.
- b. The fact that parts of the record are not included in the appendix shall not prevent the parties or the courts from relying on such parts.
- **6.905(11)** Time for filing the appendix. The appellant must file each volume of the appendix and any amendments with the clerk of the supreme court within 21 days after service or expiration of the time for service of the appellee's proof brief.
 - **6.905(12)** *Amendments.*
- a. The appendix may be amended by agreement of all the parties at any time prior to assignment of the appeal for submission to an appellate court. The written consent of all the parties shall be filed with the amendment.
- b. In the absence of agreement or after assignment of the appeal for submission to an appellate court, the appendix may be amended only with leave of the appropriate appellate court. A proposed amendment may be conditionally filed with a motion for leave to amend.
 - **6.905(13)** Cost of producing; taxation as costs on appeal.
- a. Appellant's attorney must certify within the appendix the amount actually paid for printing or otherwise producing paper copies of the appendix required by these rules.
- b. The reasonable costs of printing or duplicating the appendix shall be taxed by the appellate court. Reasonable printing or duplicating costs may not exceed actual costs or \$1 per page, whichever

is lower, unless otherwise ordered by the appropriate appellate court. The costs of any printing or duplication not required by these rules may not be taxed as costs.

6.905(14) Confidential or protected information. Confidential or protected information that is not or cannot be redacted must be included in a separate volume of the appendix, and only that volume must be certified as confidential.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.906 Brief of amicus curiae.

6.906(1) Appeal. An amicus curiae brief may be filed only by leave of the appropriate appellate court granted on motion, at the request of the appropriate appellate court, or when accompanied by the written consent of all parties. The brief may be conditionally filed with a motion for leave. A motion for leave must identify the interest of the applicant and must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case. An amicus curiae must file a brief no later than seven days after the brief of the party to be supported is filed. The appropriate appellate court may extend the deadline for the brief only upon an affirmative showing of good cause, specifying the period within which an opposing party may respond. An amicus curiae's request to participate in oral argument will not be granted except for extraordinary reasons.

6.906(2) Further review. Amicus curiae briefs may not be filed in support of, or in resistance to, an application for further review of a decision of the court of appeals. If the supreme court grants further review, an amicus curiae brief may be filed upon leave of the supreme court granted on motion, at the request of the supreme court, or when accompanied by the written consent of all parties. A motion for leave to file an amicus curiae brief must be filed within 14 days of the supreme court's order granting further review, and no response to the motion shall be received unless requested by the court. The motion must identify the interest of the applicant, must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case, and must be accompanied by the amicus curiae brief. If the motion for leave to file an amicus curiae brief is granted, the parties may file a response to the amicus curiae brief within 15 days of the court's order granting the motion.

6.906(3) Rehearing. Amicus curiae briefs may not be filed in support of, or in resistance to, a petition for rehearing of an opinion of the court of appeals or the supreme court.

6.906(4) Form of amicus curiae brief. An amicus curiae brief may not exceed more than one-half of the length limitations for a required brief specified in rule 6.903(1)(g). An amicus curiae brief must comply with the format requirements of rule 6.903(1). An amicus curiae brief need not comply with rule 6.903(2) or (3) but must include all of the following:

- a. A table of contents with page references.
- b. A table of authorities containing cases (alphabetically arranged), statutes, and other authorities cited, with references to all pages of the brief where they are cited.
 - c. A concise statement of the identity of the amicus curiae and its interest in the case.
- d. A statement that indicates whether a party's counsel authored the brief in whole or in part, indicates whether a party or party's counsel contributed money to fund the preparation or submission of the brief, and identifies any other person who contributed money to fund the preparation or submission of the brief.
 - e. An argument.
 - f. A certificate of compliance, if required by rule 6.903(1)(g)(4).
- **6.906(5)** Criteria for allowing amicus curiae brief. An appellate court has broad discretion in determining whether an amicus curiae brief should be allowed. The court will base its decision on whether the brief will assist the court in resolving the issues preserved for appellate review in the case. In reaching its decision, the court will consider various factors, including those set forth below.
- a. The court will ordinarily grant a motion for leave to file an amicus curiae brief if one of the following factors is present.
- (1) The party whose position the proposed amicus brief supports is unrepresented or has not received adequate representation.
- (2) The proposed amicus curiae has a direct interest in another case that may be materially affected by the outcome of the present case.
- (3) The proposed amicus curiae has a unique perspective or information that will assist the court in assessing the ramifications of any decision rendered in the present case.
- b. The court will ordinarily deny a motion for leave to file an amicus curiae brief if one of the following factors is present.

- (1) The proposed amicus curiae brief will merely reiterate the arguments of the party whose position the brief supports.
- (2) The proposed amicus curiae brief appears to be an attempt to expand the number of briefing pages available to the party whose position the brief supports.
- (3) The proposed amicus curiae brief attempts to raise issues that were not preserved for appellate review.
 - (4) The proposed amicus curiae brief will place an undue burden on the opposing party.
- c. The court may also strike an amicus curiae brief filed with the consent of all parties if it appears the brief would not be allowed under the above criteria.

[Court Order October 31, 2008, effective January 1, 2009; November 19, 2016, effective March 1, 2017; July 20, 2017]

Rule 6.907 Scope of review. Review in equity cases shall be de novo. In all other cases the appellate courts shall constitute courts for correction of errors at law, and findings of fact in jury-waived cases shall have the effect of a special verdict.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.908 Oral and nonoral submission; notice of additional authorities.

- **6.908(1)** Requests for oral argument. A party desiring to present an oral argument shall request it in their brief as provided in rule 6.903(2)(i). Oral argument will not be granted if it is not requested in the brief, except by order of the appropriate appellate court.
- **6.908(2)** Denial of oral argument. The appropriate appellate court will deny a request for oral argument if oral argument is unlikely to be of assistance to the court.
- **6.908(3)** *Grant of oral argument.* If oral argument is granted, the court shall fix the time allotted for oral argument and notify the parties.
- **6.908(4)** Issues raised but not argued. Issues properly raised in the briefs shall not be waived as a consequence of failing to address them during oral argument.
- **6.908(5)** Additional authorities. After final briefs are filed, a party may file a notice of additional authorities not cited in the briefs. The notice must include a citation for each additional authority. No further argument may be included in the notice. If the case is set for oral argument, the party must ensure that all opposing parties are served with the notice at least four days in advance of oral argument, unless the authorities were not in existence prior to that time.
- **6.908(6)** Use of exhibits and demonstrative aids during argument. If a party intends to display exhibits or any other demonstrative aids during oral argument, the party must ensure that all opposing parties are served a copy of the exhibit or aid no later than four days prior to the argument. No such exhibit or aid may be used in oral argument unless a sufficient number of copies for the court are given to the bailiff when a party checks in for oral argument, unless it is impractical to do so.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rules 6.909 to 6.1000 Reserved.

DIVISION X

WRITS, MOTIONS, AND OTHER DOCUMENTS

Rule 6.1001 Writs and process.

- **6.1001(1)** Writs and process, supreme court. The supreme court shall issue all writs and process necessary for the exercise and enforcement of its appellate jurisdiction and in the furtherance of its supervisory and administrative control over all inferior judicial tribunals and officers. The supreme court may enforce its mandates by fine and imprisonment, and imprisonment may be continued until obeyed.
- **6.1001(2)** Writs and process, court of appeals. The court of appeals shall issue writs and other process necessary for the exercise and enforcement of its jurisdiction, but only in cases that have been transferred to the court of appeals by the supreme court.
- **6.1001(3)** Resistance and consideration. Any request for relief under this rule may be resisted and will be considered in the same manner provided for motions in rule 6.1002. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1002 Motions.

- **6.1002(1)** *Motions in supreme court and court of appeals.* All motions and supporting documents must be filed with the clerk of the supreme court as provided in rule 6.701 and served as provided in rule 6.702. A motion:
- a. Must prominently display beneath the title of the motion the date of any impending hearing, trial, or matter needing immediate attention of the court. If the filing requires expedited consideration, the filing party must state the circumstances in the special filing instructions to the clerk on the electronic cover sheet, see Iowa R. Elec. P. 16.306(1), including the date of any impending district court trial or hearing.
- b. Must include any materials required by a specific provision of these rules governing such motion.
 - c. Must be accompanied by a copy of any ruling from which a party seeks appellate review.
- d. Must state with particularity the grounds on which it is based, including citations to relevant authorities.
 - e. Must set forth the order or precise relief sought.
- f. May be supported by other relevant portions of the record. The supporting documents to a motion must be electronically attached to the motion. See Iowa R. Elec. P. 16.311. Such attachments may not exceed 25 pages unless otherwise ordered by the appellate court. Any application for the inclusion of attachments exceeding the 25-page limitation may not include such attachments.
- **6.1002(2)** Resistance; reply to resistance. All resistances, replies, and any supporting documents must be filed with the clerk of the supreme court as provided in rule 6.701 and served as provided in rule 6.702. Unless the appropriate appellate court orders otherwise, any party may file a resistance to a motion within 14 days after service of the motion. A reply to the resistance may be filed within three days after the service of the resistance. However, the appropriate appellate court may act upon the motion prior to the expiration of the time to file a reply to the resistance. A resistance or a reply to the resistance may be supported by other relevant portions of the record, but such attachments may not exceed 25 pages unless otherwise ordered by an appellate court. Any application for the inclusion of attachments exceeding the 25-page limitation may not include such attachments.
- **6.1002(3)** Additional filings; hearings. The court may require additional filings and may set any motion for hearing.
- **6.1002(4)** *Motions for procedural or temporary orders.* Notwithstanding the provisions of rule 6.1002(2), motions for procedural orders, including any motion under rule 6.1003(2), and motions for temporary orders in which it appears that rights would be lost or greatly impaired by delay, may be ruled upon at any time without awaiting a resistance. Any party adversely affected by such ruling may within 10 days request review of the ruling.
- **6.1002(5)** Authority of a single justice to entertain motions. In addition to any authority expressly conferred by rule or by statute, a single justice or senior judge of the supreme court may entertain any motion in an appeal or original proceeding in the supreme court and grant or deny any relief which may properly be sought by motion, except that a single justice or senior judge may not dismiss, affirm, reverse, or otherwise determine an appeal or original proceeding. The action of a single justice or senior judge may be reviewed by the supreme court upon its own motion or a motion of a party. A party's motion for review of the action of a single justice or senior judge shall be filed within 10 days after the date of filing of the challenged order.
- **6.1002(6)** Authority of the court of appeals and its judges to entertain motions. The court of appeals and its judges may entertain motions only in appeals that the supreme court has transferred to that court. In such appeals, a single judge of the court of appeals may entertain any motion and grant or deny any relief which may properly be sought by motion, except that a single judge may not dismiss, affirm, reverse, or otherwise determine an appeal. The action of a single judge may be reviewed by the court of appeals upon its own motion or a motion of a party. A party's motion for review of the action of a single judge shall be filed within 10 days after the date of filing of the challenged order.
- **6.1002(7)** Authority of the clerk to entertain motions for procedural orders. The clerk or the deputy clerk of the supreme court is authorized, subject to the control and direction of the supreme court, to take appropriate action for the supreme court on motions for procedural orders upon which the court pursuant to rule 6.1002(4) could rule without awaiting a resistance. The clerk may grant a motion only for good cause shown and when the prejudice to the nonmoving party is not great. Good cause for an extension includes the illness of counsel, the unavailability of counsel due to unusual and

compelling circumstances, the unavailability of a necessary transcript or other portion of the record due to circumstances beyond the control of counsel, or a reasonably good possibility of settlement within the time as extended. An order of the clerk entered pursuant to this paragraph may be reviewed by the supreme court upon the motion of an adversely affected party filed within 10 days after the date of filing of the challenged order.

6.1002(8) Authority of the clerk to set motions for consideration. The clerk or the deputy clerk of the supreme court is authorized, subject to the control and direction of the supreme court, to set any motion pending in the supreme court for consideration and set the time allowed for resistance to the motion.

6.1002(9) Filing deadlines not extended. The filing of a motion will not stay a filing deadline unless otherwise provided by these rules or an order of the court. [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.1003 Motions to shorten or extend deadlines.

- **6.1003(1)** Jurisdictional deadlines.
- a. Notices of appeal. The supreme court may not extend the deadline for filing a notice of appeal except as provided in rule 6.101(5).
- b. Applications for interlocutory appeal. The supreme court may not extend the deadline for filing an application for interlocutory appeal except as provided in rule 6.104(1)(b)(3).
- c. Applications for discretionary review. The supreme court may not extend the deadline for filing an application for discretionary review except as provided in rule 6.106(1)(b).
- d. Petitions for writ of certiorari. The supreme court may not extend the deadline for filing a petition for writ of certiorari except as provided in rule 6.107(1)(b).
- e. Applications for further review. The court of appeals may not extend the deadline for filing an application for further review except as provided in Iowa Code section 602.4102(5). The supreme court may not extend the deadline for filing an application for further review.
- **6.1003(2)** All other deadlines. The appropriate appellate court may upon its own motion or on motion of a litigant for good cause shorten or extend a non-jurisdictional deadline set by these rules or by an order of the court. In cases where the expedited deadlines of rule 6.902 apply, the motion shall so state. Good cause for an extension includes the illness of counsel, the unavailability of counsel due to unusual and compelling circumstances, the unavailability of a necessary transcript or other portion of the record due to circumstances beyond the control of counsel, or a reasonably good possibility of settlement within the time as extended.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1004 Limited remands. The appropriate appellate court may on its own motion or on motion of a litigant remand a pending appeal to the district court, which shall have jurisdiction to proceed as directed by the appellate court. Jurisdiction of the appeal shall otherwise remain with the remanding appellate court. A motion for limited remand shall be filed as soon as the grounds for the motion become apparent.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1005 Frivolous appeals; withdrawal of counsel.

6.1005(1) Applicability. The procedures in this rule apply when court-appointed counsel moves to withdraw on the grounds that the appeal is frivolous. These withdrawal procedures cannot be used in termination-of-parental-rights and child-in-need-of-assistance appeals under Iowa Code chapter 232, in direct criminal appeals following a trial, or in appeals from the denial of an application for postconviction relief following a reported evidentiary hearing on that application, unless the application was ultimately denied based upon the statute of limitations, law of the case, or res judicata principles. Although not permitted to withdraw from such appeals, counsel are not required to raise in such appeals claims of ineffective assistance of counsel that require the development of an additional record in a further postconviction relief proceeding.

6.1005(2) Motion to withdraw. If, after a diligent investigation of the entire record, court-appointed counsel is convinced the appeal is frivolous, and that counsel cannot, in good conscience, proceed with the appeal, counsel may file a motion to withdraw. For purposes of this section, a potential claim of ineffective assistance of counsel that requires the development of an additional record in a postconviction relief proceeding may be considered frivolous. The motion must be accompanied by:

- a. A brief referring to anything in the record that might arguably support the appeal. The motion and brief must be in the form specified in rule 6.1007 and must contain citations to the record. If the appeal is from a guilty plea or sentence, the motion must, at a minimum, address whether a factual basis existed for each and every element of the crime, whether the plea and sentencing proceedings substantially complied with the rules of criminal procedure, and whether the sentence was authorized by the Iowa Code, case law, or the rules of criminal procedure. The brief must contain specific citations to the sections of the Iowa Code and the Iowa Court Rules that are applicable to the determination of whether the sentence imposed was within the statutory limits and compare those sections to the sentence imposed, along with a proper citation to the record. The brief must also contain citations to the record establishing each of the elements of the crime and establishing compliance with the rules of criminal procedure and the Iowa Code.
 - b. A copy of the rule 6.1005(3) notice.
 - c. A certificate showing service of the motion, brief, and notice upon the client.
- **6.1005(3)** Written notice to client. Counsel shall notify the client in writing of counsel's conclusion that the appeal is frivolous and that counsel is filing a motion to withdraw. The notice shall be accompanied by a copy of counsel's motion and brief. The notice shall advise the client:
- a. If the client agrees with counsel's decision and does not desire to proceed further with the appeal, the client shall within 30 days from service of the motion and brief clearly and expressly communicate such desire, in writing, to the supreme court.
- b. If the client desires to proceed with the appeal, the client shall within 30 days communicate that fact to the supreme court, raising any issues the client wants to pursue.
- c. If the client fails to file a response with the supreme court, such failure could result in the waiver of the client's claims in any subsequent postconviction action.
- **6.1005(4)** Request to transmit record. At the time of filing the motion to withdraw, counsel must file a request with the clerk of the district court to transmit the record to the clerk of the supreme court.
- **6.1005(5)** Dismissal upon client's agreement. When a client communicates to the court the client's agreement with counsel's decision the appeal shall be promptly dismissed.
- **6.1005(6)** Supreme court examination of record. In all other cases the supreme court will, after a full examination of all the record, decide whether the appeal is wholly frivolous. If it finds the appeal is frivolous, it may grant counsel's motion to withdraw and dismiss the appeal. If however, the supreme court finds the legal points to be arguable on their merits and therefore not frivolous, it shall deny counsel's motion and may remand the matter to the district court for appointment of new counsel
- **6.1005(7)** Extension of times. The filing of a motion to withdraw pursuant to this rule shall extend the times for further proceedings on appeal until the court rules on the motion to withdraw. [Court Order October 31, 2008, effective January 1, 2009; May 21, 2012; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rule 6.1006 Motions to dismiss, affirm, or reverse.

6.1006(1) Motions to dismiss.

- a. Contents and time for filing. An appellee may file a motion to dismiss an appeal based upon the appellant's failure to comply with an appellate filing deadline established by an appellate rule or court order, the appellant's filing of a document that fails to substantially comply with the appellate rules or a court order, or an allegation that the appropriate appellate court lacks jurisdiction or authority to address the case. The motion shall state with particularity the grounds justifying dismissal and, if applicable, shall specify the prejudice to the appellee's interests. The motion shall comply with the requirements of rule 6.1002(1). A motion to dismiss should be filed within a reasonable time after the grounds supporting the motion become apparent. Except for instances in which the court allegedly lacks jurisdiction or authority over the case, the motion to dismiss should be used sparingly. A motion to dismiss will usually be granted only if the alleged infractions are repeated or significant and have resulted in prejudice to another party or the administration of justice.
- b. Ruling. The appropriate appellate court may rule on the motion or may order the motion submitted with the appeal. An order dismissing an appeal for failure to prosecute shall direct the clerk of the supreme court to forward certified copies of the docket and the order of dismissal to the Iowa Supreme Court Attorney Disciplinary Board unless the appellant was unrepresented. If counsel was court-appointed, the clerk shall also forward certified copies of those documents to the State Public Defender.

- c. Motion to reinstate an appeal. Within 10 days after issuance of the dismissal order an appellant may file a motion to reinstate an appeal dismissed under this rule. The motion must set forth the grounds for reinstatement and may be resisted. The supreme court may, in its discretion, and shall upon a showing that such dismissal was the result of oversight, mistake, or other reasonable cause reinstate the appeal.
- **6.1006(2)** Motions to affirm. Appellee may file a motion with the appropriate appellate court to affirm the appeal on the ground that the issues raised by the appeal are frivolous. The motion shall ordinarily be served and filed within the time provided for service of the appellee's proof brief. However, if the motion is based on an allegation that the result in the case is controlled by an indistinguishable, recently published decision of an appellate court, the motion may be filed when the grounds for affirmance become apparent. The appellee shall not file a motion to affirm prior to the filing of appellant's proof brief. The motion shall comply with the requirements of rule 6.1002(1). One judge or justice may overrule, but only a quorum of the appropriate appellate court may sustain, a motion to affirm.
- **6.1006(3)** *Motions to reverse.* Any party may file a motion with the appropriate appellate court to summarily reverse the appeal on the grounds the result is controlled by an indistinguishable, recently published decision of an appellate court or where error has been confessed. The motion must comply with the requirements of rule 6.1002(1). One judge or justice may overrule, but only a quorum of the appropriate appellate court may sustain, a motion to reverse.
- **6.1006(4)** Excluding time. The time between the service of a motion to dismiss, affirm, or reverse and an order overruling the motion or ordering its submission with the appeal shall be excluded in measuring the time within which subsequent acts required by these rules must be done. [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.1007 Form of motions and other filings.

- **6.1007(1)** Format. Motions and other similar filings must show clear black text or images on a white background on an 8½ by 11 inch document. If filed in paper, they may be reproduced by any process that yields a clear black image on white paper. The paper must be opaque and unglazed. Unless handwritten, the text must be double-spaced, but quotations more than 40 words long may be indented and single-spaced. Margins must be 1¼ inches on each side and 1 inch on the top and bottom. Page numbers must be located at the bottom center of each page. Typeface must conform to rule 6.903(1)(e). Paper filings must comply with Iowa R. Elec. P. 16.303.
- **6.1007(2)** Contents. A motion or other similar filing addressed to an appellate court must contain a caption setting forth the name of the court, the title of the case, the file number, a brief descriptive title indicating the purpose of the filing, and the name, address, telephone number, e-mail address, and fax number of counsel or the self-represented party.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rules 6.1008 to 6.1100 Reserved.

DIVISION XI

TRANSFER, SUBMISSION, AND FURTHER REVIEW

Rule 6.1101 Transfer of cases to court of appeals.

- **6.1101(1)** *Transfer.* The supreme court may by order, on its own motion, transfer to the court of appeals for decision any case filed in the supreme court except a case in which provisions of the Iowa Constitution or statutes grant exclusive jurisdiction to the supreme court.
- **6.1101(2)** Criteria for retention. The supreme court shall ordinarily retain the following types of cases:
- a. Cases presenting substantial constitutional questions as to the validity of a statute, ordinance, or court or administrative rule.
- b. Cases presenting substantial issues in which there appears to be a conflict between a published decision of the court of appeals or supreme court.
 - c. Cases presenting substantial issues of first impression.
- d. Cases presenting fundamental and urgent issues of broad public importance requiring prompt or ultimate determination by the supreme court.
 - e. Cases involving lawyer discipline.
 - f. Cases presenting substantial questions of enunciating or changing legal principles.

- **6.1101(3)** Criteria for transfer. The supreme court shall ordinarily transfer to the court of appeals the following types of cases:
 - a. Cases presenting the application of existing legal principles.
- b. Cases presenting issues that are appropriate for summary disposition. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1102 Order of submission and transfer.

- **6.1102(1)** Submission. Appeals shall be submitted to the supreme court or transferred to the court of appeals substantially in the order they are made ready for submission except when earlier submission is mandated by statute, rule, or order of the supreme court.
- **6.1102(2)** Early submission or transfer. If an appeal involves questions of public importance or rights that are likely to be lost or greatly impaired by delay, the supreme court may upon the motion of a party or on the court's own motion order the submission or transfer of the case in advance of the time at which it would otherwise be submitted or transferred. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1103 Application to the supreme court for further review.

6.1103(1) *Application*.

- a. Time for filing. An application for further review in an appeal from an Iowa Code chapter 232 child-in-need-of-assistance or termination-of-parental-rights proceeding shall be filed within 10 days following the filing of the court of appeals decision. In all other cases, an application for further review shall be filed within 20 days following the filing of the court of appeals decision.
- b. Grounds. Further review by the supreme court is not a matter of right, but of judicial discretion. An application for further review will not be granted in normal circumstances. The following, although neither controlling nor fully measuring the supreme court's discretion, indicate the character of the reasons the court considers:
- (1) The court of appeals has entered a decision in conflict with a decision of this court or the court of appeals on an important matter;
- (2) The court of appeals has decided a substantial question of constitutional law or an important question of law that has not been, but should be, settled by the supreme court;
- (3) The court of appeals has decided a case where there is an important question of changing legal principles;
- (4) The case presents an issue of broad public importance that the supreme court should ultimately determine.
- c. Form. An application for further review must be a single document in the form prescribed by rule 6.903(1). An application for further review must contain all of the following under appropriate headings in the following order:
- (1) Questions presented for review. The application shall contain questions presented for review, expressed concisely in relation to the circumstances of the case, without unnecessary detail. The questions should be short and should not be argumentative or repetitive. The questions shall be set out on the first page following the cover, and no other information may appear on that page.
 - (2) Table of contents. The application shall contain a table of contents including page references.
- (3) Statement supporting further review. The application must contain a direct and concise statement of the reasons why the case warrants further review. The statement must not be limited to a recitation of rule 6.1103(1)(b). For example, if the claim is that the court of appeals decision is in conflict with a decision of the supreme court or the court of appeals on an important matter, the party must cite to the case in conflict.
- (4) Brief. The application shall contain a brief in support of the request for review including all contentions and legal authorities in support of the application. No authorities or argument may be incorporated into the application by reference to another document; however, citations to the appendix are permitted.
- (5) Decision of the court of appeals. The application shall contain or be accompanied by a copy of the court of appeals decision, showing the date of its filing.
- (6) Other attachments. The only materials that may be attached to or filed with an application, other than the court of appeals decision, are relevant materials from the district court record not exceeding ten pages, district court orders, and administrative agency rulings. The district court order must be attached if the court of appeals affirmed the decision of the district court under rule 6.1203, Iowa Ct. R. 21.26, or Iowa Code section 602.5106(1).

- d. Discretion of supreme court on further review. On further review, the supreme court may review any or all of the issues raised in the original appeal or limit its review to just those issues brought to the court's attention by the application for further review.
- e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules 6.703(1)(g) and 6.703(2).

6.1103(2) *Resistance.*

- a. When allowed; time for filing. No resistance will be received in an Iowa Code chapter 232 child-in-need-of-assistance or termination-of-parental-rights proceeding unless requested by the supreme court. In all other cases, a party may file a resistance within 10 days after service of the application.
- b. Form. A resistance shall be in the form prescribed by rule 6.903(1). The resistance shall be a single document including all contentions and legal authorities in opposition to the application. No authorities or argument may be incorporated into the resistance by reference to another document; however, citations to the appendix are permitted. The only materials that may be attached to or filed with a resistance are an evidentiary exhibit not exceeding 10 pages and a district court order.
- **6.1103(3)** Cover of application or resistance. The cover of the application or resistance must contain:
 - a. The name of the court and the appellate number of the case.
 - b. The caption of the case. See rule 6.109(2).
 - c. The date of filing of the court of appeals decision.
 - d. The title of the document.
- e. The name, address, telephone number, e-mail address, and fax number of counsel or the self-represented party.
 - **6.1103(4)** *Length of application or resistance.*
- a. The application or resistance may not exceed two-fifths of the length limitations for a required brief specified in rule 6.903(1)(g) exclusive of the court of appeals decision, table of contents, table of authorities, relevant materials from the district court record, district court orders, and administrative agency decisions.
- b. An application for further review or resistance must include a certificate of compliance using form 10 of rule 6.1401.
- **6.1103(5)** Supplemental briefs. If an application for further review is granted, the supreme court may require the parties to file supplemental briefs on all or some of the issues to be reviewed.
- **6.1103(6)** *Procedendo.* When an application for further review is denied by order of the supreme court, the clerk of the supreme court shall immediately issue procedendo.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017; February 23, 2017, effective March 1, 2017; July 20, 2017]

Rules 6.1104 to 6.1200 Reserved.

DIVISION XIIDISPOSITION OF APPEALS

Rule 6.1201 Voluntary dismissals.

- **6.1201(1)** Dismissal of an appeal. An appeal may be voluntarily dismissed by the party who filed the appeal at any time before a decision is filed by either the supreme court or the court of appeals.
- **6.1201(2)** Dismissal of a cross-appeal. A cross-appeal may be voluntarily dismissed by the party who filed the cross-appeal at any time before a decision is filed by either the supreme court or court of appeals.
- **6.1201(3)** Effect of dismissal. The clerk shall promptly issue procedendo upon the filing of a voluntary dismissal unless another party's appeal or cross-appeal remains pending under the same appellate docketing number. If only a cross-appeal remains pending following the dismissal, the cross-appeal shall continue as the primary appeal, and the cross-appellant shall assume the role of the appellant. The issuance of procedendo shall constitute a final adjudication with prejudice. A voluntary dismissal of a direct appeal from a criminal case shall not preclude the subsequent consideration of a claim for ineffective assistance of counsel in an action for postconviction relief pursuant to Iowa Code chapter 822.

[Court Order October 31, 2008, effective January 1, 2009; May 21, 2012]

Rule 6.1202 Failure to comply with appellate deadlines and appellate court orders; consequences and penalties.

6.1202(1) *Notice of default.*

- a. For appellant's failure to comply. When an appellant fails to comply with an appellate deadline, the clerk shall serve a notice stating that the appeal will be dismissed unless the appellant cures the default by performing the overdue action within 15 days of issuance of the notice. If the appellant fails to cure the default, the clerk shall enter an order dismissing the appeal.
- b. For appellee's failure to comply. When an appellee fails to meet the deadline for filing a brief or statement waiving the appellee's brief, the clerk shall serve a notice stating that the appellee will not be allowed to participate in oral argument unless the appellee remedies the default by filing the overdue brief within 15 days of issuance of the notice.
- **6.1202(2)** Penalty assessed to attorney. When a default notice is sent to a party's attorney for failing to comply with an appellate deadline, the attorney shall be assessed a penalty of \$150 by the clerk for each violation. Such penalties are to be paid by the attorney individually and are not to be charged to the client. If such penalties are not paid within 15 days, the attorney may be ordered to show cause why he or she should not be found in contempt of the supreme court.
- **6.1202(3)** Notice of dismissal due to attorney's failure to comply. Following the dismissal of an appeal for failure to comply with an appellate deadline where the appellant was represented by an attorney, the clerk of the supreme court shall forward certified copies of the docket, the notice of default which resulted in dismissal, and the order of dismissal to the Iowa Supreme Court Attorney Disciplinary Board. In cases where the attorney was court-appointed, the clerk shall also forward certified copies of those documents to the State Public Defender.
- **6.1202(4)** Dismissal on court's motion. An appeal may be dismissed, with or without notice of default, upon the motion of the appropriate appellate court.
- **6.1202(5)** *Motion to reinstate an appeal.* Within 10 days after issuance of the dismissal order, an appellant may file a motion to reinstate an appeal dismissed under this rule. The motion must set forth the grounds for reinstatement and may be resisted. The supreme court may, in its discretion, and shall upon a showing that such dismissal was the result of oversight, mistake, or other reasonable cause reinstate the appeal.
- **6.1202(6)** Failure to follow or respond to appellate court order. When a party to an appeal fails to follow or respond to an appellate court order, the court may dismiss the appeal or impose a penalty. If a monetary penalty is imposed on a party's attorney, the penalty must be paid by the attorney individually and is not to be charged to the client. If such penalties are not paid within 15 days, the attorney may be ordered to show cause why the attorney should not be found in contempt of the court. [Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]
- Rule 6.1203 Affirmed or enforced without opinion. A judgment or order may be affirmed or enforced without opinion if the appellate court concludes the questions presented are not of sufficient importance to justify an opinion, an opinion would not have precedential value, and any of the following circumstances exists:
 - a. A judgment of the district court is correct.
 - b. The evidence in support of a jury verdict is sufficient.
 - c. The order of an administrative agency is supported by substantial evidence.
 - d. No error of law appears.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1204 Petition for rehearing in court of appeals.

- **6.1204(1)** Filing does not toll further review deadline. The filing of a petition for rehearing with the court of appeals does not toll the 20-day period provided in Iowa Code section 602.4102(4) for filing an application for further review of a court of appeals decision with the supreme court. Nothing in these rules prohibits any party from filing both a petition for rehearing with the court of appeals and an application for further review with the supreme court.
- **6.1204(2)** *Time for filing*. Any petition for rehearing must be filed within seven days after the filing of a court of appeals decision.
- **6.1204(3)** Content. The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the court of appeals has overlooked or misapprehended.
- **6.1204(4)** Response. No response to a petition for rehearing will be received unless requested by the court of appeals.

- **6.1204(5)** Action by court of appeals. Oral argument in support of the petition will not be permitted. If the petition for rehearing is not expressly granted or denied by the court of appeals within seven days after the petition is filed, the petition will be deemed denied. Upon request of the court of appeals within the seven-day period, the supreme court may grant an extension not to exceed seven days for the court of appeals to rule upon the petition. If the petition for rehearing is granted, the decision of the court of appeals is vacated and the court of appeals shall retain jurisdiction of the case. The court of appeals may dispose of the case with or without oral argument, order resubmission, or enter any other appropriate order. The decision after rehearing shall be subject to further review as provided in Iowa Code section 602.4102(4).
- **6.1204(6)** Stay of pending application of further review. Upon motion of a party or request of the court of appeals, the supreme court may stay any pending application for further review for consecutive periods of up to 30 days during the pendency of a petition for rehearing.
- **6.1204(7)** Form of petition. The petition shall be in the form prescribed by rule 6.903(1). Except by permission of the court, a petition for rehearing shall not exceed one-fifth of the length limitations for a required brief specified in rule 6.903(1)(g).

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.1205 Petition for rehearing in supreme court.

- **6.1205(1)** *Time for filing.* A petition for rehearing may be filed within 14 days after the filing of a supreme court opinion unless the time is shortened or enlarged by order of that court. A party may not file a petition for rehearing from an order denying an application for further review.
- **6.1205(2)** Content. The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the supreme court has overlooked or misapprehended.
- **6.1205(3)** Response. No response to a petition for rehearing will be received unless requested by the supreme court, but a petition for rehearing will ordinarily not be granted in the absence of such a request.
- **6.1205(4)** Action by supreme court. Oral argument in support of the petition will not be permitted. If a petition for rehearing is granted, the supreme court may make a final disposition of the case with or without oral argument, order resubmission, or enter any other appropriate order. The supreme court may deny the rehearing but simultaneously amend the opinion.
- **6.1205(5)** Form of petition. The petition shall be in the form prescribed by rule 6.903(1). Except by permission of the court, a petition for rehearing shall not exceed one-fifth of the length limitations for a required brief specified in rule 6.903(1)(g).

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.1206 Remands. When a judgment is reversed for error in overruling a motion and granting the motion would have terminated the case in favor of appellant, the appellate court may enter or direct the district court to enter final judgment as if such motion had been initially sustained. However, if it appears from the record that the material facts were not fully developed at the trial or if in the opinion or the appellate court the ends of justice will be served, a new trial shall be awarded on all or part of the case.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1207 Costs. All appellate fees and costs shall be taxed to the unsuccessful party, unless otherwise ordered by the appropriate appellate court. [Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1208 Procedendo.

- **6.1208(1)** Procedendo from supreme court action. Unless otherwise ordered by the supreme court, no procedendo shall issue for:
- a. Twenty-one days after an opinion of the supreme court is filed, nor thereafter while a petition for rehearing or an application for extension of time to file a petition for rehearing, filed according to these rules, is pending.
- b. Twenty-one days after an order is filed that both denies a petition for rehearing and amends the original opinion.
- c. Seventeen days after an order dismissing the appeal is filed, nor thereafter while a motion requesting that the dismissal be set aside, filed according to these rules, is pending.

- **6.1208(2)** Procedendo from court of appeals action. Unless otherwise ordered by the court of appeals, no procedendo shall issue for:
- a. Seventeen days after an opinion is filed in a chapter 232 termination of parental rights or CINA case, nor thereafter while an application for further review by the supreme court is pending.
- b. Twenty-seven days after an opinion is filed in all other cases, nor thereafter while an application for further review by the supreme court is pending.

[Court Order October 31, 2008, effective January 1, 2009; March 9, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.1209 Quarterly publication. A list indicating the disposition of all decisions rendered by the supreme court per curiam or under rule 6.1203 shall be published quarterly in the North Western Reporter, except for such of those decisions as the supreme court specially orders to be published in the regular manner.

[Court Order October 31, 2008, effective January 1, 2009]

Rules 6.1210 to 6.1300 Reserved.

DIVISION XIIIAMENDMENT TO RULES

Rule 6.1301 Amendments.

6.1301(1) The amendment of rules 6.101 - 6.105, 6.601 - 6.603, and 6.907 shall be reported to the legislature.

6.1301(2) The amendment of all other appellate rules shall be by court order and shall take effect at such time as the court prescribes.

[Court Order October 31, 2008, effective January 1, 2009]

Rules 6.1302 to 6.1400 Reserved.

DIVISION XIV **FORMS**

Rule 6.1401 Forms.

Rule 6.1401 — Form 1: Notice of Appeal.

IN THE IOWA DISTRICT COURT

FOR	COUNTY
(Insert district court caption.)	No(district court case number)
	NOTICE OF APPEAL
To: The clerk of the district court for	County, the clerk of the supreme court and
(insert names of unrepresented parties and attorne	ens of record)
	(insert the names of the parties who are taking the om the final order entered in this case on the day of
Dated this day of	, 20
	(signature of appellant or appellant's attorney) Name, address, telephone number, fax number, and e-mail address of appellant or appellant's attorney.
CERTI	FICATE OF SERVICE
The undersigned certifies a copy of this notice of a 20, upon the following persons and upon the clobelow and indicate the manner of service).	appeal was served on the day of, lerk of the supreme court (list the names and addresses of the persons
	(signature of person making service)

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1401 — Form 2: Combined Certificate.

IN THE SUPREME COURT OF IOWA

(Insert supreme court caption.)		No	(supreme cour	t case number)	
			COMBINED CE	RTIFICATE	
			(See Iowa R. Ap	p. P. 6.804.)	
1.	Notice of appeal was filed in district court(date).	on	(<i>date</i>) from a ju	dgment or ruling filed on	
2A.	I hereby order a transcript or portions thereof	on the	day of	, 20, from:	
	(1)(court reporter name)		(a	ddress)	
	(2)		2	*	
	(court reporter name)		(a	ddress)	
	No arrangements have been made or suggested to delay the preparation thereof.				
	Financial arrangements have been made with the reporter(s) in accordance with Iowa R. App. P. 6.803(5) Payment (will be) (has been) made by				
	private funds				
	court-ordered funds (attach a copy of the order appointing appellate counsel)				
	The following proceedings are ordered: ¹				
	(1)				
	(1) (describe parts ordered) before	<i>(i</i>	udge) on	(date of hearing/trial).	
	(2)(describe parts ordered) before	G	udge) on	(date of hearing/trial).	
	§	—OR—			
2B.	I need not order a transcript under Iowa R. Ap		pecause:		
	I (will) (will not) prepare a statement	t of the evidenc	e or proceedings pursua	nt to Iowa R. App. P. 6.806.	
2C.	[To be completed by appellant if less than full transcript is ordered.]				
	The issues appellant(s) intends to present on a	ppeal are:			
	I.				
	II.				
	III.				

 $^{^{1}\}mathrm{This}$ certificate shall be used to order the transcript. See rule 6.803(1).

FAILURE TO SPECIFY IN ADEQUATE DETAIL THOSE PROCEEDINGS TO BE TRANSCRIBED, OR FAILURE TO MAKE PROMPT SATISFACTORY ARRANGEMENTS TO PAY FOR THE TRANSCRIPT, ARE GROUNDS FOR DISMISSAL OF THE APPEAL.

3.	If Iowa Rs. App. P. 6.303(2), 6.803(3), or 6.90	2(1) apply to this case, check category:
	A contest as to custody of children, an a	adoption, or a juvenile proceeding affecting child placement.
	A termination of a parent-child relation	ship under Iowa Code chapter 600A.
	A conviction and sentence on a plea of	guilty or a sentence only.
	A certified question of law under Iowa	Code chapter 684A.
	A lawyer disciplinary matter.	
	Involuntary mental health commitments	s under Iowa Code chapter 229.
	Involuntary substance abuse commitme	ents under Iowa Code chapter 125.
4.	I assert in good faith that this appeal meets juri	isdicitional requirements and is from:
	A final judgment, order, or decree and a	a timely notice of appeal has been filed.
		—OR—
	A ruling entered in advance of a final jud	dgment and permission to appeal has been granted by the supreme
5. The names of the parties involved in this appeal and their designations in district court are shown column A. Their respective attorneys' names, law firms, addresses, and telephone numbers are s under column B:		
	<u>Column A</u> Parties	<u>Column B</u> Attorneys
	Appellant(s):	
	Appellee(s):	
		(signature of appellant or appellant's attorney) Name, address, telephone number, fax number, and e-mail address of appellant or appellant's attorney.
	CERTIFIC	CATE OF SERVICE
	undersigned certifies a copy of this comb	ined certificate was served on the day of ones and upon the clerk of the supreme court (list the names and ad-
		(signature of person making service)
Cour	t Order October 31, 2008, effective January	7 1, 2009]

Rule 6.1401 — Form 3: Supplemental Certificate.

IN THE SUPREME COURT OF IOWA

(Insert supreme court caption.)	No (supreme court case number)
	SUPPLEMENTAL CERTIFICATE
	(See Iowa R. App. P. 6.805.)
I hereby order a transcript or portions thereof on the	day of, 20,² from:
(1)(court reporter name)	(address)
(2)	
(court reporter name)	(address)
No arrangements have been made or suggested	to delay the preparation thereof.
Financial arrangements have been made with Payment (will be) (has been) made	the reporter(s) in accordance with Iowa R. App. P. 6.803(5). by
private funds	
court-ordered funds (attach a copy of	the order appointing appellate counsel)
The following proceedings are ordered:	
(1)	(judge) on(date of hearing/trial).
(describe parts ordered) before	(judge) on(date of hearing/trial).
	IL THOSE PROCEEDINGS TO BE TRANSCRIBED, OR RY ARRANGEMENTS TO PAY FOR THE TRANSCRIPT, PEAL.
	(signature of appellant or appellant's attorney) Name, address, telephone number, fax number, and e-mail address of appellant or appellant's attorney.
CERTIFIC	CATE OF SERVICE
	mental certificate was served on the day of ons and upon the clerk of the supreme court (list the names and ner of service).
	(signature of person making service)
\$2,000 ED JOHNS W 16 17 27 27 15 MICHIGAN	

 $^2\mathrm{This}$ certificate shall be used to order the transcript. See rule 6.805(3).

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1401 — Form 4: Notice of Appeal (Cross-Appeal) (Child-in-Need-of-Assistance and Termination Cases).

IN THE IOWA DISTRICT COURT FORCOUNTY		
(Insert district court caption.)	Juvenile No	
	NOTICE OF APPEAL (CROSS-APPEAL) (Child-in-Need-of-Assistance and Termination Cases)	
To: The clerk of the district court for	County, the clerk of the supreme court and	
insert names of unrepresented parties and attorne	zys of record).	
	(insert the names of the parties who are taking the m (check one of the following) and from all adverse rulings and orders	
20 An order terminating the parent-child relation	conship or dismissing a petition to terminate the parent-child relation-	
	nt to Iowa Code section 232.117 on the day of	
Dated this day of		
	(signature of appellant's attorney) Name, address, telephone number, fax number, and e-mail address of appellant's attorney.	
	(Signature of appellant.*) Name, address, and telephone number of Appellant.	
The signature of the appellant is required by I	owa R. App. P. 6.102(1)(a).	
CERTI	FICATE OF SERVICE	
The undersigned certifies a copy of this notice of the persons below and indicate the m	ersons and upon the clerk of the supreme court (list the names and	
	(signature of person making service)	

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1401 — Form 5: Petition on Appeal (Cross-Appeal) (Child-in-Need-of-Assistance and Termination Cases).

IN THE SUPREME COURT OF IOWA

4	IN THE SOLICEME CO	OKI OF IOWA	
IN THE INTEREST OF, CHILD(REN)		Supreme Court No. Juvenile Court No. PETITION ON APPEAL (CROSS-APPEAL) (Child-In-Need-Of-Assistance and Termination Cases)	
County	Judge		
are shown below	_	l and their designations in juvenile court attorneys' names, law firms, addresses, umn B.	
	Column A	<u>Column B</u>	
Appellar	Parties	Attorneys	
Appellee	e(s):		
12		n behalf of, (insert name of person) filer i.e. mother, father, child, State, ECKONE)	
child-in-	child-in-need-of-assistance		
termination-of-parental-rights			
post-ter	mination		
proceeding, with	h respect to child(ren)		
Child(ren)'s Nar	me(s)	Date(s) of Birth	
<u> </u>	<u> </u>	-	
-			
2			
*			
		ninated by the juvenile court pursuant to ecific subsection(s)) as to the mother and	
		ific subsection(s)) as to the father.	

the cl subsec	ealing from a CINA order, indicate as to the mother on what statutory ground(s) hild(ren) was/were adjudicated in need of assistance ()(insert specific ction(s)) and indicate as to the father on what statutory ground(s) the child(ren) were adjudicated in need of assistance ()(insert specific subsection(s)).
3. repres	Appellant's attorney,, is/is not the attorney who ented appellant at trial.
4.	List any other pending appeals involving the child(ren).
	Case Name:
	Supreme Court No.:
	Type of Appeal: (e.g., appeal from adjudication/disposition, dissolution)
5.	The relevant dates regarding this appeal are the following:
	a. Date of adjudication
	b. Date of last removal (excluding any trial period at home of less than 30 days)
	c. Date of disposition
	d. Date(s) of any review hearings
	e. Date of any permanency hearing
	f. Date(s) termination petition filed/amended
	g. Date(s) of termination hearing
	h. Date(s) of child-in-need-of-assistance order(s) from which appeal was taken $\underline{\ }$
	i. Date of termination or dismissal order from which appeal was taken
	j. Date of post-termination order from which appeal was taken
	k. Date notice of appeal filed
	l. Any other date(s)/hearing(s) material to appeal
6. court (Nature of case and relief sought: The appellant seeks a reversal of the juvenile order:
	a. terminating the parental rights of(insert name(s)) with respect to the child(ren)(insert name(s)); OR
	b. dismissing a petition to terminate the parental rights of (insert name(s)) with respect to the child(ren), (insert name(s)); OR
	c. If seeking reversal or modification of a CINA order, specify the relief requested:
	d. OTHER (specify)

7.	State the material facts as they relate to the issues presented for appeal:
or ec gener	State the legal issues presented for appeal, including a statement of how the sarose and how they were preserved for appeal. Also, state what findings of fact onclusions of law the district court made with which you disagree and why rally referencing a particular part of the record, witnesses' testimony, or exhibits support your position on appeal:
Gene are n	ssue statement should be concise in nature setting forth specific legal questions ral conclusions, such as "the trial court's ruling is not supported by law or the facts of acceptable. Include supporting legal authority for each issue raised, including ority contrary to appellant's case, if known.
	a. Issue I:
	Was error preserved? yes no. If yes, state how:
	Supporting legal authority for Issue I:
	9
	Findings of fact or conclusions of law with which you disagree:
	·

b. Issue II:
Was error preserved? yes no. If yes, state how:
Supporting legal authority for Issue II:
·
Findings of fact or conclusions of law with which you disagree:

APPELLATE PROCEDURE

Ch 6, p.45

August 2017

(Additional issues may be added)

9. I hereby certify I will request within 30 days after the filing of the notice of appeal that the clerk of the trial court transmit immediately to the clerk of the supreme court:

(For appeals from child-in-need-of-assistance proceedings)

- a. The child-in-need-of-assistance court file, including all exhibits.
- b. Any transcript of a hearing or hearings resulting in the order from which an appeal has been taken.

(For appeals from termination proceedings)

- a. The termination-of-parental-rights court file, including all exhibits.
- b. Those portions of the child-in-need-of-assistance court file, either received as exhibits or judicially noticed in the termination proceedings.
- c. The transcript of the termination hearing.

(For appeals from post-termination proceedings)

- a. The order, judgment, or decree terminating parental rights.
- b. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
- c. The post-termination order from which the appeal was taken.
- d. Any motion(s), resistance(s), or transcript(s) related to the post-termination order from which the appeal was taken.

The undersigned requests that the appellate court issue an opinion reversing the order of the juvenile court in this matter, or, in the alternative, enter an order setting this case for full briefing.

(signature of appellant or appellant's attorney)
Name, address, telephone number, fax number,
and e-mail address of appellant or appellant's
attorney.

ATTACHMENTS:

(For appeals from child-in-need-of-assistance proceedings):

(1) a copy of the order or judgment from which the appeal has been taken; and

(2) a copy of any rulings on a motion for new trial as provided in Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P. 1.904(2).

(For appeals from termination orders):

- (1) a copy of the petition (and any amendments) for termination of parental rights filed in the juvenile court proceedings;
- (2) any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2);
- (3) a copy of the order, judgment, or decree terminating parental rights or dismissing the termination petition; and
- (4) a copy of any rulings on a motion for new trial as provided in Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P. 1.904(2).

(For appeals from post-termination orders):

- (1) a copy of the order, judgment, or decree terminating parental rights;
- (2) a copy of the post-termination order from which the appeal was taken; and
- (3) any motion(s) or resistance(s) related to the post-termination order from which the appeal was taken.

CERTIFICATE OF SERVICE

The unders	igned certifies a cop	of this petition on appeal (cross-appeal) was served on
the	day of	20, upon the following persons and upon
the clerk of	f the supreme court	list the names and addresses of the persons below and
indicate the	e manner of service).	
		(signature of person making service)

[Court Order October 31, 2008, effective January 1, 2009; May 27, 2010]

Rule 6.1401 — Form 6: Response to Petition on Appeal (Cross-Appeal).

IN THE SUPREME COURT OF IOWA

IN	THE INTEREST OF	Supreme Court No	
		Juvenile Court No.	
	, CHILD(REN)		
		RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL)	
1. (ins	This response to the petition on appeal/cross-appeal is sert name of person)ervenor, or other) in the above-identified proceeding.	s filed on behalf of, (insert role of filer i.e. mother, father, child, State	
2. tria	The appellee's attorney,	, is/is not the attorney who represented appellee a	
3.	The relevant date(s) regarding this appeal:		
	are correctly stated in the petition on appeal.		
	are corrected by appellee as follows:		
4.	The statement of material facts as they relate to the issues presented for appeal is: accurate as set forth by appellant and accepted by the undersigned appellee; OR		
	requires additions/corrections, as follows:		
	*		
5.	Appellee's responses to the legal issues presented for a. Issue I:	appeal are as follows:	
	-		
	Appellee states that:		
	error was preserved as alleged in the petition		
	error was not preserved. If so, please explain briefly:		
	Legal authorities for Issue I supporting appellee's resp	ponse:	

b. Issue II:	
Appellee states that:	
error was preserved as alleged in the pet	tition on appeal.
error was not preserved. If so, please ex	xplain briefly:
Legal authorities for Issue II supporting appelled	e's response:
The undersigned requests the appellate court issue	e an opinion affirming the order of the juvenile court in this matter
	(signature of appellee or appellee's attorney) Name, address, telephone number, fax number, and e-mail address of appellee or appellee's attorney.
CERTIFIC	CATE OF SERVICE
the undersigned certifies a copy of this response to popular y of, 20, upon the followind addresses of the persons below and indicate the interpretation of the persons below and indicate the interpretation.	ng persons and upon the clerk of the supreme court (list the names
	(signature of person making service)
ourt Order October 31, 2008, effective January	y 1, 2009]

[(

Rule 6.1401 — Form 7: Certificate of Compliance with Typeface Requirements and Type-Volume Limitation for briefs.

Certificate of Compliance with Typeface Requirements and Type-Volume Limitation

This brief complies with the typeface req Rs. App. P. $6.903(1)(d)$ and $6.903(1)(g)(1)$ or (2)	uirements and type-volume limitation of Iowa) because:
of typeface] in [state font size] and conta parts of the brief exempted by Iowa R. A [] this brief has been prepared in a r	nonospaced typeface using [state name of s [state the number of] lines of text, excluding the
Signature	Date

[Court Order October 31, 2008, effective January 1, 2009; February 23, 2017, effective March 1, 2017; March 1, 2017]

Rule 6.1401 — Form 8: Reporter's Certificate of Filing a Transcript.

IN THE SUPREME COURT OF IOWA

(Insert supreme court caption.)	Supreme Court No
	District Court No
	REPORTER'S CERTIFICATE OF FILING A TRANSCRIPT
	(See Iowa R. App. P. 6.803(2)(e))
I hereby certify that on the day (name of attorney or party) ordered the following	of, 20,g transcript(s)
in the above captioned matter by serving a copy of day of, 20, I filed the following a copy of, 20, and, 20, and, and, and, and, and, and, and	of the combined certificate. I further certify that on thelowing transcript(s)
with the clerk of the supreme court.	
	(signature of court reporter) Name, address, telephone number, and e-mail address of court reporter
CERT	TIFICATE OF SERVICE
The undersigned certifies a copy of this reporter's 20, upon the following persons and upon the below and indicate the manner of service).	certificate was served on the day of clerk of the supreme court (list the names and addresses of the persons
	(signature of person making service)

NOTE: RULE 6.803(3) REQUIRES THIS CERTIFICATE TO BE FILED AS A SEPARATE DOCUMENT AND TO BE SERVED ON THE PARTIES OF RECORD AND THE CLERK OF THE DISTRICT COURT.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1401 — Form 9: Reporter's Application for an Extension of Time to File a Transcript.

In the	lowa District Court for	County				
Insert s	upreme court caption	Supreme court no Reporter's Application for an Extension of Time to File a Transcript See Iowa R. App. P.6.803(3))				
1.	M	I hereby certify that on the day of, 20, Month Year ordered the following transcript(s): Name of attorney or party				
	in the above captioned matter by serving a c	ombined certificate.				
2.	The deadline for filing the transcript(s) with					
	day of, 20					
3.	I am unable to file the transcript(s) on the date					
	-					
	1871 1871 1871 1871 1871 1871 1871 1871 1871 1871	date because the party ordering it has not complied anscript(s), you must state what arrangements for rule 6.803(5).				
4.	I will be able to complete and file the transcr	ipt by the day of, 20 Month Year				

Wherefore, the undersigned requests the court to grant the undersigned more time to file the transcript(s) in the above captioned matter.

or

Wherefore, the undersigned requests the court to enter an order requiring the person who ordered the transcript(s) to pay for the transcript(s) as previously arranged under rule 6.803(5) and set a date as to when the transcript(s) shall be filed.

	Signature of court reporter		
Address of court reporter	City	State	ZIP Code
() ()_			
Court reporter's phone number Fax number	Email a	ddress	

Certificate of Service

was served on the	day of	, 20	_, upon the following persons and upon
	Month	Year	
the clerk of the supremoservice.	e court. List the names a	nd addresses of the	e persons below and indicate the manner of
		Signature of ser	

Note: Rule 6.803(3) requires that this Application be served on all counsel of record, any unrepresented parties, and the chief judge of the judicial district.

Rule 6.1401 — Form 10: Certificate of Compliance with Typeface Requirements and Type-Volume Limitation for an Application for Further Review or a Resistance to an Application for Further Review.

Certificate of Compliance with Typeface Requirements and Type-Volume Limitation

[] this [application or resistance] has been prepared in a proportionally spaced typeface using [state name of typeface] in [state font size], and contains [state the numb of] words, excluding the parts of the [application or resistance] exempted by Iowa R. App. P. 6.1103(4)(a), or [] this [application or resistance] has been prepared in a monospaced typeface usin [state name of typeface] in [state font size], and contains [state the number of] lines of text, excluding the parts of the [application or resistance] exempted by Iowa R. App. P. 6.1103(4)(a).	of Iow	This [application or resistance] complies with the typeface a R. App. P. 6.1103(4) because:	and type-volume requirements
[state name of typeface] in [state font size], and contains [state the number of] lines of text, excluding the parts of the [application or resistance] exempted by Iowa R. App. P.		typeface using [state name of typeface] in [state font size], of] words, excluding the parts of the [application or resistates]	and contains [state the number
		[state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state font size], and contains [state name of typeface] in [state name of	state the number of] lines of
Signature Date	Signat	ure	Date

[Court Order February 23, 2017, effective March 1, 2017]

Rule 6.1401 — Form 11: Certificate of Confidentiality.

Rules 6.1402 to 6.1500 Reserved.

IN THE SUPREME COURT OF IOWA

[Insert supreme court caption]	Supreme Court No
	RE: [insert name of document being filed]
	CERTIFICATE OF CONFIDENTIALITY Iowa R. App. P. 6.110(2)
1. I. D. A. D. C. 110/2	
hat the [identify document being filen naterial deemed confidential pursuant	ed] attached to this Certificate of Confidentiality contact to [cite applicable statute, rule, or date and title of or
hat the [identify document being file material deemed confidential pursuan requiring matter to be filed in a confidential part of the filed in a confidence of th	
hat the [identify document being file naterial deemed confidential pursuant requiring matter to be filed in a confidential parter to be filed in a confidential parter to be filed in a confident to be filed in a	ed] attached to this Certificate of Confidentiality containt to [cite applicable statute, rule, or date and title of ordential manner].
hat the [identify document being file naterial deemed confidential pursuant requiring matter to be filed in a confidential party	ed] attached to this Certificate of Confidentiality containt to [cite applicable statute, rule, or date and title of ordential manner].
hat the [identify document being file	ed] attached to this Certificate of Confidentiality containt to [cite applicable statute, rule, or date and title of ordential manner].

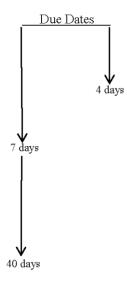
DIVISION XVAPPELLATE PROCEDURE TIMETABLES

Rule 6.1501 Appellate Procedure Timetables

Rule 6.1501 — Timetable 1: Pre-Briefing Procedure.

APPELLATE PROCEDURE TIMETABLE NO. 1

(NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)



PRE-BRIEFING PROCEDURE¹

- 1. Notice of appeal. The appellant files the notice of appeal with the district court clerk and serves a copy on all parties and the supreme court clerk. *See* rules 6.101, 6.102(2).
- 2. Transmission of certified notice of appeal and docket entries. Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. See rule 6.802.
- 3. Payment of filing fee, ordering transcript, and filing combined certificate. Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. *See* rule 6.703. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter by completing the combined certificate, and serving the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme courts. *See* rules 6.803, 6.804.²
- 4. Filing of transcript. Within 40 days from service of the combined certificate the court reporter files the transcript with the district court clerk and serves a copy of the reporter's certificate of filing the transcript on the parties and the clerk of the supreme court.³ *See* rule 6.803(3).

NOTES

20 days for criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.

30 days for appeals from Iowa Code chapter 232 child-in-need-of-assistance and termination proceedings.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

¹ The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² See rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ The time for filing the transcript is reduced to:

Rule 6.1501 Appellate Procedure Timetables Rule 6.1501 — Timetable 2: Briefing Procedure.

APPELLATE PROCEDURE TIMETABLE NO. 2

(NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)

BRIEFING PROCEDURE



- 1. Filing of last transcript. Briefing deadlines run from the filing of the last transcript ordered for the appeal.² The times for filing are reduced for expedited cases.³ *See* rule 6.902.
- 2. Appellant's proof brief and designation. Within 50 days after the clerk gives notice that the last transcript has been filed the appellant file a copy of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. See rules 6.901(1), 6.905(1).
- 3. Appellee's proof brief and designation. Within 30 days after service of the appellant's proof brief the appellee files a copy of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. See rules 6.901(1), 6.905(1).
- 4. Appendix and appellant's proof reply brief. Within 21 days after service or expiration of the time for service of the appellee's proof brief the appellant files a copy of the appendix with the supreme court clerk and serves a copy on the other parties. See rule 6.905(11). If a cross-appeal has not been filed the appellant may file a proof reply brief within 21 days of service of the appellee's proof brief. If a cross-appeal has been filed the appellant/cross-appellee shall respond within 21 days of service of the appellee/cross-appellant's proof brief by either filing a proof reply brief or a statement waiving any further brief. See rule 6.901(1)(c).
- 5. Final briefs and appellee/cross-appellant's reply brief. Within 14 days after service of the appendix each party serves and files the party's brief(s) in final form. See rule 6.901(3). If a cross-appeal was filed the appellee/cross-appellant may file a reply brief in final form within 14 days of service of the appellant/cross-appellee's reply brief. See rule 6.901(1)(c).
- 6. Transmission of record. No later than seven days after all briefs in final form have been served or the time for serving them has expired, the appellant shall request transmission of the remaining record from the clerk of the district court. See rule 6.802(2).⁴

NOTES

- Child custody.
- Adoption.
- Termination-of-parental-rights cases under Iowa Code chapter 600A.
- Child-in-need-of-assistance or termination-of-parental-rights cases under Iowa Code chapter 232.
- Criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.
- · Juvenile proceedings effecting child placement.
- · Lawyer disciplinary matters.
- Involuntary mental health commitments under Iowa Code chapter 229.
- Involuntary substance abuse commitments under Iowa Code chapter 125.
- · Certified questions under Iowa Code chapter 684A

In expedited cases the times for filing are reduced by one-half except step 4 which is reduced to 15 days and step 6 which remains 7 days.

¹The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

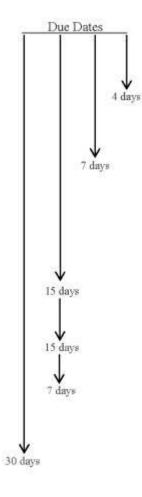
²If no transcript was ordered the deadlines run from service of the combined certificate or after the date of filing of any approved statement of the evidence. *See* rule 6.901(1).

³Expedited cases include:

⁴An appellant should request the transmission of the remaining record by electronically filing a letter to the district court clerk and electronically filing a courtesy copy to the supreme court.

Rule 6.1501 Appellate Procedure Timetables Rule 6.1501 — Timetable 3: Chapter 232 Child-in-Need-of-Assistance and Termination Appeals.

APPELLATE PROCEDURE TIMETABLE NO. 31



- Notice of appeal. A notice of appeal must be filed within 15 days of the filing of the juvenile court order. See rule 6.101(1). A notice of appeal cannot be filed unless signed by both the appellant and the appellant's counsel. See rule 6.102(1).
- 2. Transmission of certified notice of appeal and docket entries. Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. See rule 6.802.
- 3. Payment of filing fee, ordering transcript, and filing combined certificate. Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. See rules 6.204, 6.703. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter by completing the combined certificate, and serving the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme courts. See rules 6.803, 6.804.²
- Petition on appeal. The appellant files a petition on appeal within 15 days after the filing of the notice of appeal or the appeal is dismissed. See rules 6.102(1)(b), 6.201.
- Response to petition. A response to a petition may be filed within 15 days of service of the petition. See rule 6.202.
- 6. Reply to issues raised in cross-appeal. If a cross-appeal is filed the appellant/cross-appellee may file a reply to the cross-appeal issues within seven days after service of the appellee/cross-appellant's response. An appellant may not file a reply if the appellee has not filed a cross-appeal. See rule 6.203.
- Transmission of record. Within 30 days after the filing of the notice of appeal
 the appellant requests that the clerk of the district court transmit the record to
 the clerk of the supreme court.³ See rule 6.204.
- Briefing. Briefing is done only when directed by the appellate court. See rule 6.205(1).

NOTES

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rules 6.1502 to 6.1600 Reserved.

³The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² See rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ An appellant should request the transmission of the remaining record by electronically filing a letter to the district court clerk and electronically filing a copy to the supreme court.

DIVISION XVI TABLES

Rule 6.1601 Tables
Rule 6.1601 — Table A: Technical Requirements of a Brief

Document	Time to File Proof Copy	Time to File Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	50 days after the clerk ves notice that the last transcript has been filed; if no transcript, 50 days after service of the combined certificate or the filing of any approved statement of the evidence	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellee's Brief & Appellee/ Cross-Appellant's Brief	30 days after service of appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellant's Reply Brief	21 days after service of appellee's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	25 Pages	650 lines	7000 words
Appellant's Reply/Cross- Appellee's Brief	21 days after service of appellee/cross- appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross- Appellant's Reply Brief	Not applicable	14 days after service of appellant's repy/cross- appellee's proof reply brief	1сору	25 pages	650 lines	7000 words
Amicus Curiae Brief	Within the time allowed the part y whose position the brief will support	14 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appendix	Not applicable	21 days after service of appellee's proof brief	1 сору	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	Not applicable	7 days after court of appeals' decision	1 сору	10 pages	260 lines	2800 words
Application for Further Review	Not applicable	20 days after the filing of the court of appeals' decision	1 сору	20 pages	520 lines	5600 words
Resistance to Applicaton for Further Review	Not applicable	10 days after service of application for further review		20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	Not applicable	14 days after supreme court decision	1сору	10 pages	260 lines	2800 words

[•] Filing a petition for rehearing in the court of appeals does not stay the time for filing an application for further review.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rule 6.1601 — Table B: Technical Requirements of a Brief When Expedited Times for Filing Apply

Document	Time to File Proof Copy	Time to File Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	25 days after the clerk gives notice that the last transcript has been filed; if no transcript, 25 days after service of the combined certificate or the filing of any approved statement of the evidence	7 days after	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee's Brief & Appellee/ Cross-Appellant's Brief	15 days after service of appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellant's Reply Brief	15 days after service of appellee's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appellant's Reply/Cross- Appellee's Brief	15 days after service of appellee/cross- appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross- Appellant's Reply Brief	Not applicable	7 days after service of appellant 's reply/cross- appellee's proof reply brief	1 сору	25 pages	650 lines	7000 words
Amicus Curiae Brief	Within the time allowed the part y whose position the brief will support	7 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appendix	Not applicable	15 days after service of appellee's proof brief	1 сору	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	Not applicable	7 days after court of appeals' decision	1 сору	10 pages	260 lines	2800 words
Application for Further Review	Not applicable	20 days after the filing of the court of appeals' decision	1 сору	20 pages	520 lines	5600 words
Resistance to Application for Further Review	Not applicable	10 days after service of application for further review	1 сору	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	Not applicable	14 days after supreme court opinion	1 сору	10 pages	260 lines	2800 words

^{*}Filing a petition for rehearing in the court of appeals does not stay the time to file an application for further review.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rule 6.1601 — Table C: Contents of a Brief

BRIEF SECTION	APPELLANT	APPELLEE	REPLY	COUNTED IN PAGE, LINE, OR WORD LIMITATION
Table of contents	YES	YES	YES	NO
Table of authorities	YES	YES	YES	NO
Statement of the issues	YES	YES	YES	NO
Routing statement	YES	YES	NO	YES
Statement of the case	YES	Only if dissatisfied with appellant's version	NO	YES
Statement of the facts	YES	Only if dissatisfied with appellant's version	NO	YES
Error preservaton statement	YES	YES	NO	YES
Scope and standard of appellate review	YES	YES	NO	YES
Argument	YES	YES	YES	YES
A conclusion stating the precise relief sought	YES	YES	YES	YES
Request for oral or nonoral submission	YES	YES	NO	YES
Certificate of cost	YES	YES	YES	NO
Certificate of compliance	YES	YES	YES	NO
Certificate of service	YES	YES	YES	NO

[Court Order October 31, 2008, effective January 1, 2009]

CHAPTER 7 RULES OF PROBATE PROCEDURE

Rule 7.1	Effective removal order — turnover				
Rule 7.2	Fees in proba	te			
Rule 7.3	District court rules in probate				
Rule 7.4	Report of referee				
	Form 1:	Report of Referee			
Rule 7.5	Referees in pr				
Rule 7.6	Reports of del	linquent inventories or reports			
Rule 7.7	Interlocutory	report			
Rule 7.8	Guardian and	conservator filing requirements			
Rules 7.9 and 7.10	Reserved				
Rule 7.11	Adult guardia	nships; forms mandatory for self-represented litigants			
	Form 1:	Protected Information Disclosure			
	Form 2:	Background Check Information for a Proposed Guardian			
		of a Protected Person			
	Form 3:	Guardian's Initial Care Plan for Protected Person			
	Form 4:	Guardian's Annual Report for Protected Person			
	Form 5:	Guardian's Final Report for Protected Person			
Rule 7.12		nips; forms mandatory for self-represented litigants			
	Form 1:	Protected Information Disclosure			
	Form 2:	Background Check Information for a Proposed			
		Conservator of a Protected Person			
	Form 3:	Conservator's Request for Approval for Other Action on Behalf of Protected Person			
	Form 4:	Notice of Filing Conservator's Initial Plan or Amended			
	1 OIIII 4.	Plan			
	Form 5:	Conservator's Initial Plan or Amended Plan			
	Form 6:	Inventory of Assets of Protected Person			
	Form 7:	Conservator's Annual Report			
	Form 8:	Conservator's Final Report			

CHAPTER 7 RULES OF PROBATE PROCEDURE

Rule 7.1 Effective removal order — turnover. When the court orders the removal of a fiduciary under Iowa Code section 633.65, such order, unless expressly providing otherwise, shall be effective as a turnover order under Iowa Code section 633.70, and without further order the fiduciary so removed shall turn over all personal property, money or securities to or for the fiduciary's successor at the clerk's office within five days after such order is filed.

[Court Order November 16, 1965; November 14, 1979; Report November 9, 2001, effective February 15, 2002]

Rule 7.2 Fees in probate.

- **7.2(1)** Every report or application requesting an allowance of fees for personal representatives or their attorneys shall be written and verified as provided in Iowa Code section 633.35.
- **7.2(2)** When fees for ordinary services are sought pursuant to Iowa Code sections 633.197 and 633.198, proof of the nature and extent of responsibilities assumed and services rendered shall be required. Unless special circumstances should be called to the court's attention, the contents of the court probate file may be relied upon as such proof. In determining the value of gross assets of the estate for purposes of Iowa Code section 633.197, the court shall not include the value of joint tenancy property excluded from the taxable estate pursuant to Iowa Code section 450.3(5) or the value of life insurance payable to a designated beneficiary.
- **7.2(3)** When an allowance for extraordinary expenses or services is sought pursuant to Iowa Code section 633.199, the request shall include a written statement showing the necessity for such expenses or services, the responsibilities assumed, and the amount of extra time or expense involved. In appropriate cases, the statement shall also explain the importance of the matter to the estate and describe the results obtained. The request may be made in the final report or by separate application. It shall be set for hearing upon reasonable notice, specifying the amounts claimed, unless waivers of notice identifying the amounts claimed are filed by all interested persons. The applicant shall have the burden of proving such allowance should be made.
- **7.2(4)** One half of the fees for ordinary services may be paid when the federal estate tax return, if required, and Iowa inheritance tax return, if required, are prepared. When a federal estate tax return is not required, the one-half fee may be paid when the Iowa inheritance tax return is prepared or, when it is not required, when the probate inventory required by the Iowa Probate Code is filed. The remainder of the fees may be paid when the final report is filed and the costs have been paid. The schedule for paying fees may be different when so provided by order of the court for good cause.
- **7.2(5)** Every report or application requesting compensation for other fiduciaries and their attorneys pursuant to Iowa Code section 633.200 shall be written and verified.
- **7.2(6)** When compensation has been allowed to a person employed by the fiduciary or attorney to assist the estate pursuant to Iowa Code section 633.84, the request for fees by the fiduciary shall disclose the identity of such person and the amount allowed, for consideration by the court in determining fees for the fiduciary pursuant to Iowa Code section 633.86.

[Court Order November 14, 1979; Report September 5, 1985, effective November 15, 1985; November 9, 2001, effective February 15, 2002; November 23, 2004, effective February 1, 2005]

- **Rule 7.3 District court rules in probate.** A district court rule of probate and administration shall not be valid until it has been filed with the clerk of the supreme court and approved by that court. [Court Order November 14, 1979; Report November 9, 2001, effective February 15, 2002]
- **Rule 7.4 Report of referee.** A report of a referee in probate shall substantially comply with the form that accompanies this rule.

[Report November 9, 2001, effective February 15, 2002; Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.4—Form 1: Report of Referee

~	In the Iowa District Court fo	or Cour	nty		
ln t	he Matter of the Estate of:	Probate no			
Full	name: first, middle, last	Report of Re	feree		
Designation of	eased.				
The	nes now the duly appointed Referee and rep Report has been filed in this Estate. The Re court as follows: All questions must be answered. If "I	feree has examined the Repo		port	s to
			Yes	No	N/A
1.	Notice of Appointment published:				
2.	Affidavit of Mailing Notice required by				
	A. lowa Code sections 633.230 and 633.304:				
	B. lowa Code sections 633.231 and 633.304	(medical assistance claims):			
3.	Fiduciaries fees ordered or waived and affic	lavit of compensation filed:			3
4.	Attorney fees ordered and affidavit of compe	ensation filed:			
	A. Itemization requested and provided:				
	B. If not, statement required by lowa Code se	ction 633.477(11) made:			
5.	Income tax acquittance filed:				
6.	Inheritance tax clearance filed or certificatio lowa Code section 450.58 made:	n required by			
7.	A list of distributees is shown:				
8.	A description of real estate is shown:				
9.	Certificates of change of title to real estate f	iled, as required:			
10.	All claims filed have been paid, disallowed,	or released:			
11.	Notice of hearings on this Report waived:				
	If not waived, proper proof of service of	f notice is on file:			
12.	Accounting is waived:				
	Court costs have been paid:				
	Election filed by or for surviving spouse und lowa Code section 633.236:	er			
15.	Receipts for all specific bequests:				
	Continued of	on next page			

Rule	7. 4— I	Form 1: Report of Referee, continued				
				Yes	No	N/A
16.		eral estate tax closing letter and proof of prequired for closing):	payment are on file			
17.	Ther	e is a statement that decedent left genetic	material:			
	A.	Decedent left genetic material:				
	B.	If decedent left genetic material and was mar estate assets are reserved to fund distribution	ried at time of death, sufficient n to posthumous heirs:			
	C.	Posthumous child (lowa Code section 633.22 after execution of will (lowa Code section 633.22				
	D. Final distributions will be made two years after decedent's death:					
E. Supplemental report will be submitted after final distributions:						
18.	Ren	narks:				
	3 2.					
	10					
	-					
	10%					
	ia .					
		Thoult thin how if you have attached a phont with add	liti on al information			
10		heck this box if you have attached a sheet with add r's information:	utional information.			
19.	File					
	Monti Date :	n Day Year				
		Section 2	/s/			
	Printe	d name	Referee in probate signature	?		
	Law f	ìrm, if applicable				
8.6	Mailii	ng address				
į	City		State	ZIP code		
	(
ì	Phone	e number				
2000	Emaii	address	Additional email address, if app	olicable		

December 2019 Rule 7.4—Form 1 Page 2 of 2

[Court Order November 14, 1979; December 3, 1981; November 14, 1984, effective November 26, 1984; Report September 5, 1985, effective November 15, 1985; February 18, 1987, effective July 1, 1987; September 23, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; July 23, 2003, effective October 1, 2003; November 30, 2005, effective March 1, 2006; April 11, 2008, effective July 1, 2008; May 23, 2014, effective August 16, 2014; December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.5 Referees in probate.

7.5(1) *Duties.*

- a. Referees as masters. Unless otherwise directed by the court, a referee in probate appointed by the district court pursuant to Iowa Code section 633.20, and determined by the court to be qualified to serve as a master, shall have the powers to perform all the duties required of masters appointed by the court in civil actions (Iowa Rs. Civ. P. 1.935 1.942) and shall examine all reports, applications and petitions in probate and in trusts requiring action by the court.
- b. Other referees. A referee in probate not determined by the court to be qualified to serve as a master shall have authority to examine probate files to make the report provided by rule 7.4.
- c. Referee reports. The report of the referee shall be in writing on a form which substantially complies with the form that accompanies these rules and shall contain such matters as the court may request as shown by the files and reports in the clerk's office. If the referee is authorized to act as a master, the report shall also contain recommendations of the referee as to what ought to be done relative to the reports when considered by the court. No final report will be approved until the report of the referee is presented to the court, it being contemplated that such presentation shall be made expeditiously and without delay.
- d. Other duties. In addition to the powers and duties of the referee in probate prescribed by this rule, the referee shall perform such duties as the court may require.

7.5(2) Fees.

- a. The referee shall be paid a fee for services as permitted under a schedule established under Iowa Code section 633.21, unless a referee and any assistant are appointed for the county for all matters in probate in the county and are paid an annual compensation.
- b. Referee fees shall be taxed and collected by the clerk as other costs, and such fees shall be in addition to all other fees charged and collected by the clerk in probate matters as required by Iowa Code section 633.31.
- c. In such cases where a referee and any assistant are paid an annual compensation, any excess of fees remaining after payment of such other expenses as are approved by the court shall be disbursed pursuant to the Code.

[Court Order December 18, 1980, effective January 1, 1981; Report November 9, 2001, effective February 15, 2002]

Rule 7.6 Reports of delinquent inventories or reports.

- **7.6(1)** The clerk's report to the presiding judge required by Iowa Code section 633.32, of all delinquent inventories or reports in estates, trusts, guardianships or conservatorships shall contain, in addition to the information required by Iowa Code section 633.32(3), a copy of each delinquency notice and, if they do not appear on the face of the delinquency notice, the following information for each delinquent inventory or report:
 - *a.* The probate number of the matter.
 - b. The title of the matter.
 - c. An indication of whether the matter is an estate, trust, guardianship, or conservatorship.
 - d. The name and address of the fiduciary.
 - e. The name and address of the attorney, if any, for the fiduciary.
 - f. The type of delinquent inventory or report.
 - g. The date notice of delinquency was given.
- h. A statement that the required report or inventory or an order extending time for a specified period was not filed within 60 days after the giving of notice of delinquency.
 - *i*. The date the matter was opened.
 - j. The name of the last paper filed by the fiduciary or attorney and the date of filing such paper.
- k. The number, including "zero" if appropriate, of previous delinquency notices given in the matter and ignored.
- **7.6(2)** The clerk shall submit a copy of the report to the chief judge of the judicial district and the state court administrator in addition to the presiding judge as required by Iowa Code section 633.32(2). If an order extending time for a specified period was filed but not complied with, the clerk shall proceed as in instances in which an order is not filed.
- 7.6(3) The state court administrator shall utilize the reports in the discharge of the duties prescribed in Iowa Code section 602.1209 and, in addition, shall prepare a list of the attorneys for fiduciaries who have received and ignored a notice of delinquency. The state court administrator shall transmit

the list of attorneys, together with other relevant information, to the Iowa Supreme Court Attorney Disciplinary Board and to the Client Security Commission.

7.6(4) The Iowa Supreme Court Attorney Disciplinary Board, as a commission of the supreme court pursuant to Iowa Ct. R. 35.2, shall communicate with each attorney licensed to practice law in Iowa whose name appears on the list transmitted to the board pursuant to rule 7.6(3). If the board determines there is reasonable cause to believe an attorney for a fiduciary has violated Iowa R. of Prof'l Conduct 32:1.3 or 32:3.2 for failure to file a required inventory or report within 60 days after receiving notice of delinquency, or within an extension of time for a specified period granted by order, the board shall initiate appropriate disciplinary action. The board chairperson shall include the number of attorneys investigated and complaints initiated and processed pursuant to this rule, a synopsis of each such complaint, and the disposition thereof, in the annual board report to the supreme court required by Iowa Ct. R. 35.25.

7.6(5) The assistant court administrator of the disciplinary system is authorized to inquire into the status of any delinquent probate inventory or report.

[Court Order March 13, 1980; October 20, 1981; 1983 Iowa Acts, chapter 186, §10151; January 17, 1995, effective April 3, 1995; Report November 9, 2001, effective February 15, 2002; August 29, 2002, effective December 1, 2002; April 20, 2005, and July 1, 2005, effective July 1, 2005; February 20, 2012]

Rule 7.7 Interlocutory report. If the final report of the personal representative required by Iowa Code section 633.477 is not filed within 18 months after the date of the second publication of the notice to creditors, the personal representative shall at that time file an interlocutory report in accordance with Iowa Code section 633.469. The report shall identify the work remaining to be done in the estate and shall include an estimate of the period within which the work will be completed. The personal representative shall provide copies of the report to all interested parties by mailing, and proof of mailing shall be filed with the clerk. An order of the court approving the report shall not be required unless hearing on the report is held upon request of the personal representative or an interested party. The provisions of Iowa Code section 633.32 and rule 7.6 shall apply to the report required by this rule.

[Report August 22, 1985, effective November 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 7.8 Guardian and conservator filing requirements.

- 7.8(1) The court shall not waive any guardian requirement to file an initial, annual, or final report.
- **7.8(2)** The court shall not waive any conservator requirement to file an inventory, annual report and accounting, or final report.
- **7.8(3)** The court may extend the time for any required filing of a guardian or conservator only upon the showing of good cause.
- **7.8(4)** Upon a failure of a guardian or conservator to make any required filing, and after notice and opportunity to cure the failure, the court may impose sanctions on the guardian or conservator including removal of the guardian or conservator.

[Court Order March 7, 2018, effective January 1, 2019]

Rules 7.9 and 7.10 Reserved.

Rule 7.11 Adult guardianships; forms mandatory for self-represented litigants. An individual serving as guardian for an adult guardianship without attorney representation must use forms contained in this rule for required filings. An attorney may use these forms but is not required to do so.

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.11—Form 1: Protected Information Disclosure

	In the lowa District Co	ourt for	County
In the Ma	itter of the Guardianship of	: Probate no	ζ
Full name: fir	rst, middle, last	— Protec	ted Information Disclosure
Protected	d Person.		
is materia	tected information, as defined Il to the case and is therefore dential cases, a party must red	included in nonco	
efer to low Privacy. Ru	a Court Rules: Chapter 16, Rules o	of Electronic Procedu	ise for protecting personal information, re, Division VI, Protection of Personal e 16.604 provides a list of information
	cted Person. The person who is to the complete version of protected informa-		V V 07 00 00 00
		Middle	Last
F	Protected information type	Complete informa (See rules 16.602 and 16	
A	A. Social security number	es ses	Last four digits only
E	3. Date of birth	mm/dd/yyyy	Year only
C	C. Personal identification numbers (if no social security number)	Full number	Partial only
E	E. Other unique identifying numbers	Full number	Partial only
E	Additional protected information	Full information	Partial information
F	Additional protected information	Full information	Partial information
G			
	Additional protected information	Full information	Partial information

Person.

Check this box if you are attaching a separate sheet listing additional information for Protected

Rule 7.11—Form 1: Protected Information Disclosure, continued

3.

2.	Petitioner.	The person filing the petition for appointment of a guardian.	
----	-------------	---	--

First	Middle Las	rt
Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
A. Social security number	NH 146	Last four digits only
B. Date of birth	/ / mm/dd/yyyy	Year only
Individual taxpayer identification numbers	(B. B)	Last four digits only
D. Personal identification numbers (if no social security number)	Full number	Partial only
E. Other unique identifying numbers	Full rumber	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information
Check this box if you are attaching a cosed Guardian or Guardian ide the complete version of protected informe First	. The proposed, or current, guar	dian of the protected person. ncluded in documents you file.
Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted informatio
A. Social security number	8= <u>-</u> 8	Last four digits only
B. Date of birth	/ / mm/dd/yyyy	Year only
C. Individual taxpayer identification numbers	0 5	Last four digits only
D. Personal identification numbers	Full number	Partial only

Partial only

E. Other unique identifying numbers

Rule 7.11—Form 1: Protected Information Disclosure, continued

F _∞		
Additional protected information	Full information	Partial information
G.		
Additional protected information	Full information	Partial information
H.s		
Additional protected information	Full information	Partial information
L		
Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Proposed Guardian or Guardian.

4	Other Persons.	Any other	person with	information	redacted in the	e documents	vou	file.

Provide the complete version of protected information and the redacted version included in documents you file.

Name			
First	Middle	Last	

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
A. Social security number	F 18	Last four digits only
B. Date of birth	/ / mm/dd/yyyy	Year only
Individual taxpayer identification numbers	8 IB	Last four digits only
D. Personal identification numbers (if no social security number)	Full ramber	Partial only
E. Other unique identifying numbers	Full ramber	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Other Person.

Continued on next page

Rule 7.11—Form 1: Protected Information Disclosure, continued

5. Information provided by:

Phone number

Email address

	/s/	
Printed name	Signature	
Law firm, if applicable		
Mailing address		
City	State	ZIP code
, s		

Additional email address, if applicable

Month Day Year
Date signed

Rule 7.11—Form 2: Background Check Information for a Proposed Guardian of a Protected Person

Instructions:

- Iowa Code section 633.564 requires the court to conduct a criminal records check and checks of the child abuse, dependent adult abuse, and sex offender registry for a proposed guardian of a protected person, and requires the proposed guardian to pay the background check fee (\$15.00). Note: The clerk of court will keep this information form confidential.
- Do not give copies of this form to anyone except the clerk of court or your attorney, if you have one.
- If there is no existing conservatorship approved by the court, file this form and a Petition to Establish a Guardianship
 for a Protected Person with the clerk of court.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

<u>I</u>	n the Iowa District	t Court fo	r	County	
In the Matter o	f the Guardianship	p of:	Probate no		
Full name: first, middle	e, last	 :		Check Informa	
Protected Pers			Proposed	Guardian of a P Person	rotected
				Iowa	a Code § 633.564
Guardian states	as follows:				
1. Proposed G	Guardian's person	al informa	ition		
A. Current le	egal name				
Fu	ll first name	(write "N/	iddle name 4" if no middle name)	Full last no	ате
B. Personal	identifying informa	ition			
	1 1				= 6
Date of b	hirth (month/day/year)		Gender	Social security n	umber
nickname	names ever used (es)	including a	any other previo	us legal names a	and
Alternate name #1				-	
	Full first name	(wr	ll middle name ite "N/A" if no niddle name)	Full last n	ame
Alternate name #2					
name #2	Full first name	(wr	ll middle name ite "N/A" if no niddle name)	Full last n	ame
	C	ontinued or	n next page		
December 2019		Rule 7.11-	–Form 2		Page 1 of 2

name #3			
Regional transport of the Region (1997)	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #4			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #5			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #6			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #7			
name #/	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate			
name #8	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate			
name #9	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Certification	on and release autho	rization	
Certification	on: I confirm that the in	nformation provided above	is true and correct.
history receiption history data	ord check with the Di a concerning me mair erstand this can inclu	ermission for the court to vision of Criminal Investigntained by the DCI may bude information concerning tion of the terms of a defe	gation (DCI). Any crimin e released as allowed ng cases expunged fro

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.11—Form 2

Page 2 of 2

December 2019

Instructions:

- Guardian must complete, sign, and file this form with the court within sixty (60) days of appointment.
- Do not include protected information on this form. For protected information, complete Rule 7.11—Form 1: Protected Information Disclosure.
- The purpose of the Initial Care Plan is to provide the court with a complete picture of Protected Person's current situation, Protected Person's needs, and Guardian's plan to meet those needs.
- Provide as much detailed information as possible.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court fo	or County
In the Matter of the Guardianship of:	Probate no.
Full name: first, middle, last Protected Person.	Guardian's Initial Care Plan for Protected Person
a	Iowa Code § 633.669(1)(a)
Guardian states as follows:	
1. Guardian's information	
A. Guardian's name:	
Full name: first, middle, last	
B. Guardian is Protected Person's: Check	one
☐ Spouse	
☐ Adult child	
☐ Parent	
☐ Adult sibling	
Other:	

Continued on next page

2.

Rule 7.11—Form 3: Guardian's Initial Care Plan for Protected Person, continued

Pr	otected Person's information
A.	Protected Person's age:
В.	Reason for guardianship:
	Check this box if you have attached a sheet with additional information.
C.	Protected Person's highest education level attained:
	☐ High school
	☐ College or university
	☐ Other:
D.	Does Protected Person have a Living Will?
	☐ Yes ☐ No
	If you checked Yes, complete (1)–(2).
	(1) Do you have a copy of Protected Person's Living Will?
	☐ Yes ☐ No
	(2) Where is the Living Will located?
	Full name: first, middle, last / business name
	Mailing address
	City State ZIP code
	Phone number
	Email address Additional email address, if applicable

Continued on next page

E. Doe	es Protected Person have a Hea	Ithcare Power of Atto	rney?
□Y	′es □No		
э	If you checked Yes, complete (1)–(2).		
	(1) Who is serving as the agent	(attorney-in-fact)?	
	Full name: first, middle, last		
	Mailing address		
	City	State	ZIP code
	() Phone number		
	Email address	Additional	email address, if applicable
	(2) Where is the Healthcare Pow		× 20.4 2000
	Full name: first, middle, last/busines	s name	
	Mailing address		
	City	State	ZIP code
	()_ Phone number		
	Email address	Additional	email address, if applicable
3. Protec	ted Person's residence and in	teraction with Guar	dian
A. Doe	es Protected Person currently live	e with Guardian? Che	ck Yes or No below.
□Y	′es		
	If you checked Yes, complete the next sec	tion.	
	Describe Guardian's daily intera	ction with Protected	Person:
e st			
24			
9 33 32	Check this box if you have attached a st	neet with additional informa	ution.
	Continued	l on next page	

Rule 7.11—Form 3: Guardian's Initial Care Plan for Protected Person, continued	
□ No	
If you checked No, complete (1)–(5).	
(1) Protected Person's current residence:	
Mailing address	
City State ZIP cod	de
(2) Date Protected Person began living at current residen	ce:
$\frac{1}{Month}$ $\frac{1}{Day}$, $\frac{20}{Year}$.	
(3) How often does Guardian plan to visit or have other commail, email, social media, and phone) with Protected Fapply	
☐ Daily	
☐ Weekly	
☐ Monthly	
Other:	
(4) How does Guardian plan to interact with Protected Pe apply	rson? Check all that
☐ In person	
☐ Mail, email, or social media	
☐ Phone	
Other:	
(5) Describe the types of activities with or on behalf of Pro Guardian plans:	otected Person that
9	
Check this box if you have attached a sheet with additional information	ion.
Continued on next page	

	В.	Does Protected Person's current living situation best meet future needs?	Protected Person's
		☐ Yes ☐ No	
		If No, describe Guardian's plan for meeting those needs:	
		\square Check this box if you have attached a sheet with additional information.	
4.	Pre	otected Person's expenses	
	A.	Estimate of Protected Person's expenses:	
		Type of expense	Amount estimated Check one ☐ monthly ☐ annual
		(1) House payment or rent	\$
		(2) Food At home and restaurants	\$
		(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$
		(4) Clothing	\$
		(5) Medical, dental Not health insurance payments – see (10).	\$
		(6) Utilities (gas, electric, water)	\$
		(7) Phone	\$

Continued on next page

\$

\$

(8) Cable / satellite television / internet

(9) Car insurance payment

Rule 7.11—Form 3: Guardian's Initial Care Plan for Protected Per	erson, continued	d
--	------------------	---

(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$
(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$
(19) Other expense Identify:	\$
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total expenses	\$
Who will pay Protected Person's expenses? Check all that app ☐ Guardian	b

В.	Who will pay Protected Person's expenses? Check all that apply
	☐ Guardian
	☐ Spouse
	☐ Adult sibling or siblings
	☐ One or both of Protected Person's parents
	☐ A court-appointed conservator
	Other:

Continued on next page

5.

Ful	ll name: first, middle, last		
Mai	iling address		
City	y	State	ZIP code
(<u> </u>	one number		
\overline{Em}	ail address	Additional email addr	ress, if applicable
Gu		r paying Protected Person's e of Protected Person's living o	
į.			
		a a supot with additional intormation	
rote	cted Person's health otected Person's physical	d a sheet with additional information. health	
rote Pro	cted Person's health otected Person's physical		atus, identifying any
rote . Pro	cted Person's health otected Person's physical Describe Protected Person	health	atus, identifying any
rote . Pro	cted Person's health otected Person's physical Describe Protected Person	health	atus, identifying any
rote . Pro	cted Person's health otected Person's physical Describe Protected Person	health	atus, identifying any
rote . Pro	cted Person's health otected Person's physical Describe Protected Perso medical concerns:	health	
rote Pro (1)	cted Person's health otected Person's physical Describe Protected Person medical concerns:	health on's current medical health st	ion.
rote Pro (1)	cted Person's health otected Person's physical Describe Protected Person medical concerns:	health on's current medical health st	ion.
rote Pro (1)	cted Person's health otected Person's physical Describe Protected Person medical concerns:	health on's current medical health st	ion.
rote Pro (1)	cted Person's health otected Person's physical Describe Protected Person medical concerns:	health on's current medical health st	ion.
rote Pro (1)	cted Person's health otected Person's physical Describe Protected Person medical concerns: Check this box if you have atta Guardian's plan for meeti	health on's current medical health st	cal care needs:

В.	Pro	Protected Person's dental health						
	(1)	Describe Protected Person's current dental health status, identifying any dental health concerns:						
		☐ Check this box if you have attached a sheet with additional information.						
	(2)	Guardian's plan for meeting Protected Person's dental health care needs:						
		☐ Check this box if you have attached a sheet with additional information.						
C.	Pro	otected Person's mental health						
	(1) Describe Protected Person's current mental health status, identifying an mental, cognitive, behavioral, or emotional concerns:							
		\square Check this box if you have attached a sheet with additional information.						
	(2)	Guardian's plan for meeting Protected Person's mental, cognitive, behavioral, or emotional needs:						
		Check this box if you have attached a sheet with additional information.						
		Continued on next page						

(1) Identify any other health care concerns related to Protected Person:						
Check this how if you have attached a sheet with additional information						
(
		3				
	\square Check this box if you have attached a sheet with additional information.					
A. Is	s Protected Person enrolled in or attending school?					
	□Yes □No					
Ij	f you checked Yes, complete (1)–(2).					
(1) School information:					
	School name where Protected Person is enrolled or attending	*				
	School mailing address					
	City State ZIP code					
((2) Does Protected Person receive or need special education or related services?					
	☐ Yes ☐ No					
	If Yes, describe:					
		9				
	☐ Check this box if you have attached a sheet with additional information.	*				
	Continued on next page					
	Protemp A. I	Check this box if you have attached a sheet with additional information. (2) Guardian's plan for meeting other health care concerns identified: Check this box if you have attached a sheet with additional information. Protected Person's education, training, and other vocational services and employment status A. Is Protected Person enrolled in or attending school? Yes No If you checked Yes, complete (1)-(2). (1) School information: School name where Protected Person is enrolled or attending School mailing address ZIP code City State ZIP code Opes Protected Person receive or need special education or related services? Yes No If Yes, describe: Check this box if you have attached a sheet with additional information.				

B. Is Protected Person employed? ☐ Yes ☐ No If you checked Yes, complete (1)-(3). (1) Protected Person is employed: ☐ Full-time ☐ Part-time ☐ Other: (2) Employer's information: Employer's name Employer's mailing address ZIP code City State Supervisor's name Supervisor's phone number Supervisor's email address (3) Describe Protected Person's employee duties: Check this box if you have attached a sheet with additional information. C. Does Protected Person receive or need educational, training, or other vocational assistance? ☐ Yes ☐ No If you checked Yes, complete (1)-(2). (1) Describe Protected Person's educational, training, and vocational needs: Check this box if you have attached a sheet with additional information. Continued on next page

Rul	e 7.11	1—Form 3: Guardian's Initial Care Plan for Protected Person, continued				
	(2) Guardian's plan for meeting educational, training, and vocational needs identified:					
						
		Check this box if you have attached a sheet with additional information.				
7.	Ot	her professional services				
	Α.	Does Protected Person require any professional services other than those listed above?				
		☐ Yes ☐ No				
		If you checked Yes, complete B and C, otherwise skip to 8.				
	В.	Other professional services Protected Person requires:				
		-				
		Check this box if you have attached a sheet with additional information.				
	C.	Guardian's plan to provide the professional services required:				
		Check this box if you have attached a sheet with additional information.				
8.	Pr	otected Person's social activities				
	A.	Does Protected Person require assistance with participation in social activities?				
		☐ Yes ☐ No				
		If you checked Yes, complete the next section.				
		Continued on next page				

Ch 7, p.23

Kul			ian's plan for assisting Protected Person's participation in social activities:
		Ş 	
		Ų .	
		<u></u>	
		8	
		Chec	k this box if you have attached a sheet with additional information.
9.	Pr	otected	Person's contact with family members and other significant persons
	A.	Protec	rangements be made for regular contacts between Protected Person and sted Person's family members (e.g., spouse, parents, adult children, and spouse)?
		□Yes	
		If yo	ou checked Yes, complete the following sections as appropriate.
		(1)	Family member's name:
			Relationship to Protected Person:
			Describe arrangements planned for contact with this person:
			Check this box if you have attached a sheet with additional information.
			Continued on next page

7.11—Form 3:	Guardian's Initial Care Plan for Protected Person, continued
(2) I	Family member's name:
Ī	Relationship to Protected Person:
I	Describe arrangements planned for contact with this person:
e=	
o <u>-</u>	
-	
_	
	Check this box if you have attached a sheet with additional information.
	heck this box if you have attached a sheet with additional family members.
□No	
If you	u checked No, complete the next section.
Ехр	olain why:
7 -	
20	
W	
	heck this box if you have attached a sheet with additional information.

Continued on next page

Will arrangements be made for regular contacts between Protected Person and other significant persons (e.g., friends, former co-workers, and clergy)?	d			
□Yes				
If you checked Yes, complete the following sections as appropriate.				
(1) Significant person's name:				
Relationship to Protected Person:	_			
Describe arrangements planned for contact with this person:				
\$ 				
Check this box if you have attached a sheet with additional information.				
(2) Significant person's name:				
-				
7 				
E				
Check this box if you have attached a sheet with additional information.				
Check this box if you have attached a sheet with additional significant persons.				
Continued on next page				

Rule 7.11—Form 3: Guardian's Initial Care Plan for Protected Person, continued	
□ No	
If you checked No, complete the next section.	
Explain why:	
; <u> </u>	
g	
Check this box if you have attached a sheet with additional information.	
10. Additional information	
Additional information that may be useful for the court to know in determining what in Protected Person's best interest:	is
In Protected Person's best interest.	
Check this box if you have attached a sheet with additional information.	
11. Fees for Guardian Check one	
☐ Fees are applied for. Attach affidavit relative to compensation (Iowa Code section 633.202).	
☐ Fees are waived.	
12. Fees for Guardian's attorney Check one	
☐ Fees should be set by the court. Attach affidavit relative to compensation (Iowa Code section 633.202).	
☐ Fees are not requested.	
☐ Fees are waived or not applicable.	
Continued on next page	

13. Attorney Help Check one						
A. 🗆	A. ☐ An attorney did not help me prepare or fill in this paper.					
В. 🗆	B. An attorney helped me prepare or fill in this paper.					
	If you check B, you must	fill in the following inf	ormation:			
	Name of attorney or orga	nization, if any				
	Business address of attorn	ney or organization				
	City		State	ZIP code		
	Phone number	7	Fax number			
	Email address		Additional email address, if applicable			
14. Oath	and signature of G	uardian				
1,	ANNAMON ASSES & TOMONY - MARKITE SECURITY ESTABLEMENT - TOWN SIA - EAST CO	, have rea	ad this Initial Ca	are Plan, and I certify		
	your name	12 20/02 15/0				
	penalty of perjury an nation I have provide					
milom	acion i nave provide	-	ic i iam is trac	and correct.		
Month	$\frac{1}{Dav}$, 20	O Year Signature*				
Mailing address						
City			State	ZIP code		
()					
Phone r	Phone number					
Email a	Email address Additional email address, if applicable					
*Hand	*Handwrite your signature on this form Scan the form after signing it and file it electronically					

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the close of the reporting period.
- Do not include protected information on this form. For protected information, complete Rule 7.11—Form 1: Protected Information Disclosure.
- The purpose of the Annual Report is to provide the court with a complete picture of Protected Person's current situation as well as developments that occurred during the reporting period.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the lowa District Court fo		for County		
In the Matter of the Guardianship of: Full name: first, middle, last Protected Person.		Probate no. Guardian's Annual Report for Protected Person		
ji		Iowa Code § 633.669(1)(b)		
	ardian states as follows:			
-	Reporting period This report is for the period from: Monti Guardian's information			
	A. Guardian's name:			
	Full name: first, middle, last			
E	B. Guardian is Protected Person's: Che	eck one		
	☐ Spouse			
	☐ Adult child			
	☐ Parent			
	☐ Adult sibling			
	Other:			
		d on next page		

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued

3.	Pr	otected Person's information			
A. Protected Person's age:					
	B. Protected Person's highest education level attained:				
☐ High school					
		☐ College or university			
		Other:			
	C.	Does Protected Person have a Living Will?			
		☐ Yes ☐ No			
		If you checked Yes, complete (1)–(2).			
		(1) Do you have a copy of Protected Pe	rson's Living V	Vill?	
		☐ Yes ☐ No			
		(2) Where is the Living Will located?			
		Full name: first, middle, last / business name			
		rui name. jirsi, miaate, tasi/ vusiness name			
		Mailing address			
		City	State	ZIP code	
		()			
		Phone number			
		Email address	Additional en	nail address, if applicable	
	D.	Does Protected Person have a Healthcare	Power of Attor	ney?	
		☐ Yes ☐ No			
		If you checked Yes , complete (1)–(2).			
		(1) Who is serving as the agent (attorne	y-in-fact)?		
		Full name: first, middle, last			
Mailing address					
					City State ZIP code () Phone number
		Email address	Additional en	nail address, if applicable	
		Continued on next	t page		

December 2019

(2) Where is the Healthcare Power of Attorney located?

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued

Full name: first, middle, last / business name Mailing address City State ZIP code Email address Additional email address, if applicable 4. Continuation of guardianship A. Guardianship is recommended to be: Check one □ Continued ☐ Terminated If you checked Terminated, provide an explanation. A court hearing may be required on the matter of termination. Check this box if you have attached a sheet with additional information. B. Ability of Guardian to continue as guardian: Check one ☐ Guardian is able and willing to continue as Guardian. ☐ Guardian is unable or unwilling to continue as Guardian. Explain why: Check this box if you have attached a sheet with additional information. Continued on next page

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued C. Assistance requested: Identify any assistance Guardian needs in providing or arranging for care of Protected Person. Check this box if you have attached a sheet with additional information. 5. Protected Person's residence and interaction with Guardian A. Does Protected Person currently live with Guardian? Check Yes or No below. ☐ Yes If you checked Yes, complete the next section. Describe Guardian's daily interaction with Protected Person during the reporting period: Check this box if you have attached a sheet with additional information. ☐ No If you checked No, complete sections (1)-(4). (1) Protected Person's current residence: Mailing address State ZIP code (2) Date Protected Person began living at current residence:

Continued on next page

Month

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued (3) What types of contacts did Guardian have with Protected Person during the reporting period and how often? Check all that apply ☐ In person □ Daily ☐ Weekly ☐ Monthly Other: ☐ Mail, email, or social media □ Daily ☐ Weekly ☐ Monthly Other: ☐ Phone □ Daily ☐ Weekly ☐ Monthly Other: ☐ Other type of contact: □ Daily ☐ Weekly ☐ Monthly ☐ Other: _____ (4) Summarize the types of activities with or on behalf of Protected Person that Guardian performed during the reporting period: \square Check this box if you have attached a sheet with additional information.

Continued on next page

В.	Does Protected Person's current living situation best meet Protected Person's future needs?
	☐ Yes ☐ No
	If No, describe Guardian's plan for meeting those needs:
	Check this box if you have attached a sheet with additional information.

6. Protected Person's expenses

A. Estimate of Protected Person's expenses for the next reporting period:

Type of expense	Amount estimated Check one ☐ monthly ☐ annual
(1) House payment or rent	\$
(2) Food At home and restaurants	\$
(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$
(4) Clothing	\$
(5) Medical, dental Not health insurance payments – see (10).	\$
(6) Utilities (gas, electric, water)	\$
(7) Phone	\$
(8) Cable / satellite television / internet	\$
(9) Car insurance payment	\$

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued

(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$
(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$
(19) Other expense Identify:	\$
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total expenses	\$

В.	Who will pay Protected Person's expenses? Check all that apply
	☐ Guardian
	☐ Spouse
	☐ Adult sibling or siblings
	☐ One or both of Protected Person's natural parents
	☐ A court-appointed conservator
	☐ Other:

7.

C.	Information regarding payer of Protected Person's expenses:						
	Full name: first, middle, last Mailing address						
	City	State	ZIP code				
	()_ Phone number	_					
	Email address	Additional email add	lress, if applicable				
D.	If Guardian is responsible for paying F Guardian's plan for payment of Protect expenses during the next reporting pe	ted Person's living					
	Check this box if you have attached a sheet with	h additional information.					
Pr	otected Person's health						
Α.	Protected Person's physical health						
	(1) Summarize Protected Person's me period, identifying any medical con						
	-						
	Check this box if you have attached a shee	t with additional informa	ution.				
	e medical care needs:						
	Check this box if you have attached a shee	t with additional informa	ation.				
	Continued on next page						

В.	Pro	tected Person's dental health
	(1)	Summarize Protected Person's dental health status during the reporting period, identifying any dental concerns that occurred:
		Check this box if you have attached a sheet with additional information.
	(2)	Guardian's plan for meeting Protected Person's future dental health care needs:
		Check this box if you have attached a sheet with additional information.
C.	Pro	stected Person's mental health
	15 151	Summarize Protected Person's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:
		☐ Check this box if you have attached a sheet with additional information.
	(2)	Guardian's plan for meeting Protected Person's future mental, cognitive, behavioral, or emotional needs:
		Check this box if you have attached a sheet with additional information.
		Continued on next page

	D.	Otl	ner health concerns
		(1)	Summarize any other health care concerns related to Protected Person that occurred during the reporting period:
			Check this box if you have attached a sheet with additional information.
		(2)	Guardian's plan for meeting other health care concerns identified:
			Check this box if you have attached a sheet with additional information.
8.			cted Person's education, training, and other vocational services and syment status
	A.	Dic	Protected Person attend school during the reporting period?
			Yes □ No
		If yo	ou checked Yes, complete (1)–(2).
		(1)	School information:
			School name Protected Person attended
			School mailing address
			City State ZIP code
		(2)	Did Protected Person receive special education or related services during the reporting period?
			☐ Yes ☐ No
			If Yes, describe what services were received:
			☐ Check this box if you have attached a sheet with additional information.
			Continued on next page

В.	Was Protected Person employed duri	ing the reporting per	riod?			
	☐ Yes ☐ No					
	If you checked Yes, complete (1)–(3).	If you checked Yes, complete (1)–(3).				
	(1) Protected Person was employed:					
	☐ Full-time					
	☐ Part-time					
	Other:					
	(2) Employer's information:					
	Employer's name					
	Employer's mailing address					
	City	State	ZIP code			
	Supervisor's name					
	()_ Supervisor's phone number	Supervisor's emo	ail addrass			
	(3) Describe Protected Person's emp		in adaress			
	(3) Describe Protected Person's emp	loyee dulies.				
	-					
	Check this box if you have attached a shee	et with additional informa	tion.			
C.	Did Protected Person receive educati assistance during the reporting period		ner vocational			
	☐ Yes ☐ No					
	If you checked Yes, complete (1)–(2).					
	(1) Describe the educational, training. Person received during the reporti		sistance Protected			
	Check this box if you have attached a shee	et with additional informa	tion.			
	Continued of	on next page				

(2) Guardian's plan for meeting Protected Person's future educational, training,

Rule 7.11—Form 4: Guardian's Annual Report for Protected Person, continued

and vocational needs, if any:

	Check this box if you have attached a sheet with additional information.
	her professional services
A.	Did Protected Person receive any professional services other than those listed above during the reporting period?
	☐ Yes ☐ No
	If Yes, describe the other professional services Protected Person received during the reporting period:
	Check this box if you have attached a sheet with additional information.
В.	Does Guardian plan to provide Protected Person with any professional services other than those listed above during the next reporting period?
	☐ Yes ☐ No
	If Yes, describe the other professional services Guardians plan to provide Protected Person during the next reporting period:
	Check this box if you have attached a sheet with additional information.
	Continued on next page
	10
S 12	0010
ecemi	per 2019 Rule 7.11—Form 4 Page 12 of 19

10. Protected Person's social activities

B.

∐ Yes □ No
If Yes, describe how Guardian assisted Protected Person with participation in social activities:
Check this box if you have attached a sheet with additional information.
Does Guardian plan to provide Protected Person with any assistance with participation in social activities during the next reporting period?
☐ Yes ☐ No
If Yes, describe Guardian's plan for assisting Protected Person's participation in social activities during the next reporting period:

Continued on next page

 \square Check this box if you have attached a sheet with additional information.

11. Protected Person's contact with family members and other significant persons A. Did Protected Person interact with any family members (e.g., spouse, natural parents, adult children, and adult spouse) during the reporting period? If you checked Yes, complete the following sections as appropriate. (1) Family member's name: ___ Relationship to Protected Person: ___ Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions: Check this box if you have attached a sheet with additional information. Will arrangements be made for regular contacts between Protected Person and this family member during the next reporting period? ☐ Yes ☐ No If Yes, describe the arrangements. If No, explain why. Check this box if you have attached a sheet with additional information.

) Family r	nember's name:
Relation	ship to Protected Person:
	e the interactions, including whether the interactions were in and provide a summary of the interactions:
☐ Check t	his box if you have attached a sheet with additional information.
	ingements be made for regular contacts between Protected and this relative during the next reporting period?
□Yes	□No
If Yes, d	lescribe the arrangements. If No, explain why.
· .	
☐ Check t	his box if you have attached a sheet with additional information.
Check this b	oox if you have attached a sheet with additional family members.

le 7.11—F	orm 4: Guardian's Annual Report for Protected Person, continued
	No
	If you checked No, complete the next section.
	Explain why:
	Check this box if you have attached a sheet with additional information.
	d Protected Person interact with any other significant persons (e.g., friends, mer co-workers, and clergy) during the reporting period?
\Box	Yes
	If you checked Yes, complete the following sections as appropriate.
	(1) Significant person's name:
	Relationship to Protected Person:
	Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
	
	☐ Check this box if you have attached a sheet with additional information.

	Person and this significant person during the next reporting period?
	□ Yes □ No
	If Yes, describe the arrangements. If No, explain why.
34	
76	Check this box if you have attached a sheet with additional information.
)	Significant person's name:
	Relationship to Protected Person:
	Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
10	
33	
1.5	
157	☐ Check this box if you have attached a sheet with additional information.
	Will arrangements be made for regular contacts between Protected Person and this significant person during the next reporting period?
	□ Yes □ No
	If Yes, describe the arrangements. If No, explain why.
10	
	Check this box if you have attached a sheet with additional information.

5. Attori	ney Help Check one			
A. 🗆	An attorney did not help me prepare	e or fill in this pap	er.	
В. 🗆	An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information:			
	Name of attorney or organization, if any			
	Business address of attorney or organization			
	City	State	ZIP code	
	() Phone number	Fax number		
	Email address Additional email address, if applicable		dress, if applicable	
6. Oath	and signature of Guardian		15 - Salah	
I,	, have re	ead this Annual R	eport, and I certify under	
Print	your name		Committee of the Commit	
	y of perjury and pursuant to the laws provided in this Annual Report is true		owa that the information I	
Month	, 20 Day Year Signature*			
14				
Mailing	address		-	
City		State	ZIP code	
()			
Phone n	number			
Email a	ddress	Additional email ad	dress, if applicable	
*Handw	rite your signature on this form. Scan the form	after signing it and file	it electronically.	

 December 2019
 Rule 7.11—Form 4
 Page 19 of 19

Rule 7.11—Form 5: Guardian's Final Report for Protected Person

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the termination of the guardianship.
- Do not include protected information on this form. For protected information, complete Rule 7.11—Form 1: Protected Information Disclosure.
- The purpose of the Final Report is to provide the court with a complete picture of Protected Person's current situation
 as well as developments that occurred during the reporting period prior to the termination of the guardianship.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

		In the Iowa District Court fo	or County
In the Matter of the Guardianship of: Full name: first, middle, last Protected Person.		ne: first, middle, last	Probate no. Guardian's Final Report for Protected Person
	252.0007	Province of the Control of the Contr	Iowa Code § 633.669(1)(c
		lian states as follows:	
1.		eporting period	
	Th	is report is for the period from: $\phantom{aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa$	
2.	Gı	uardian's information	
	A.	Guardian's name:	
		Full name: first, middle, last	
	В.	Guardian is Protected Person's: Check	one
		☐ Spouse	
		☐ Adult child	
		☐ Parent	
		☐ Adult sibling	
		☐ Other:	

Rule 7.11 - Form 5: Guardian's Final Report for Protected Person, continued

Pr	rotected Person's information		
A.	Protected Person's age:		
B. Protected Person's highest education level attained:			
	☐ High school		
	☐ College or university		
	Other:		
C.	2. Does Protected Person have a Living Will?		
	☐ Yes ☐ No		
	If you checked Yes, complete (1)–(2).		
	(1) Do you have a copy of Protected Perso	n's Living Will?	
	☐ Yes ☐ No		
	(2) Where is the Living Will located?		
	Full name: first, middle, last		
	*		
	Mailing address		
	City	ate	ZIP code
	() Phone number	펗	
		: n	
	Email address		ddress, if applicable
D.	Does Protected Person have a Healthcare Po	wer of Attorney?	
	☐ Yes ☐ No		
	If you checked Yes, complete (1)–(2).		
	(1) Who is serving as the agent (attorney-i	n-fact)?	
	Full name: first, middle, last		
	Mailing address		
	Training woodess		_
	City St	ate	ZIP code
	() Phone number	£	
	Email address	Additional amail -	ddwagg if anylicalla
			ddress, if applicable
	Continued on next po	ıge	

(2) Where is the Healthcare Power of Attorney located? Full name: first, middle, last Mailing address City State ZIP code Email address Additional email address, if applicable 4. Termination of guardianship The guardianship has been or should be terminated because: Check one ☐ Protected Person is deceased ☐ A different guardian was appointed ☐ Other reason: Check this box if you have attached a sheet with additional information. 5. Protected Person's residence and interaction with Guardian Does Protected Person currently live with Guardian? Check Yes or No below. ☐ Yes If you checked Yes, complete the next section. Describe Guardian's daily interaction with Protected Person during the reporting period: \square Check this box if you have attached a sheet with additional information. Continued on next page

Ch 7, p.50 PROBATE PROCEDURE February 2020

7.11—Form 5: Guardian's Final Repor	rt for Protected Person	, continued		
□No	··· (1) (4)			
If you checked No, complete s				
(1) Protected Person's	current residend	ce:		
Mailing address				-
City		State	ZIP code	_
(2) Date Protected Pers	on began living	at current re	sidence:	
	20			
Month	\overline{Day} , $20_{\underline{Year}}$.			
(3) What types of conta reporting period and			Protected Perso	n during the
☐ In person		501 11 10 10 10 10 10 10 10 10 10 10 10 1		
☐ Daily				
☐ Weekly				
☐ Monthly				
Other:				-17
☐ Mail, email, or so	cial media			
☐ Daily				
☐ Weekly				
☐ Monthly				
Other:				-
☐ Phone				
□ Daily				
☐ Weekly				
☐ Monthly				
Other:				_
☐ Other type of con	tact:			- C
☐ Daily				
☐ Weekly				
☐ Monthly				
Other:				
	Continued on	next page		

Rule 7.11—Form 5: Guardian's Final Report for Protected Person, continued (4) Summarize the types of activities with or on behalf of Protected Person that Guardian performed during the reporting period: Check this box if you have attached a sheet with additional information. 6. Protected Person's expenses A. Who will be paying Protected Person's expenses after the termination of this guardianship? Check all that apply ☐ Guardian ☐ Another guardian □ Spouse ☐ Adult sibling or siblings ☐ One or both of Protected Person's natural parents ☐ A court-appointed conservator Other: __ B. Information regarding payer of Protected Person's expenses: Full name: first, middle, last Mailing address City State ZIP code Phone number Email address Additional email address, if applicable

7. Protected Person's health

Summarize Protected Person's medical health status during the reporting period,
identifying any medical concerns that occurred:
Check this box if you have attached a sheet with additional information.
Protected Person's dental health
Summarize Protected Person's dental health status during the reporting period, identifying any dental concerns that occurred:
5
Check this box if you have attached a sheet with additional information.
Protected Person's mental health
Summarize Protected Person's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:

Rule 7.11-Form 5: Guardian's Final Report for Protected Person, continued D. Other health concerns Summarize any other health care concerns related to Protected Person that occurred during the reporting period: Check this box if you have attached a sheet with additional information. 8. Protected Person's education, training, and other vocational services and employment status A. Did Protected Person attend school during the reporting period? ☐ Yes ☐ No If you checked Yes, complete (1)-(2). (1) School information: School name Protected Person attended School mailing address State ZIP code (2) Did Protected Person receive special education or related services during the reporting period? ☐ Yes ☐ No If Yes, describe what services were received: Check this box if you have attached a sheet with additional information.

Rule 7.11 - Form 5: Guardian's Final Report for Protected Person, continued

C.

B. Was Protected Person employed during the reporting period?

State	ZIP code
e duties:	
additional informa	
cational assista	ance Protected Person
litional information	L
xt page	
	e duties: additional informa , training, or ot

9.	Other professional services			
	Did Protected Person receive any professional services other than those listed above during the reporting period?			
	☐ Yes ☐ No			
	If Yes, describe the other professional services Protected Persons received during the reporting period:			
	<u> </u>			
	Check this box if you have attached a sheet with additional information.			
10	Protected Person's social activities			
	Did Protected Person require assistance with participation in social activities during the reporting period?			
	☐ Yes ☐ No			
	If Yes, describe how Guardian assisted Protected Person with participation in social activities:			
	Check this box if you have attached a sheet with additional information.			

.Pr	otecte	d Person's contact with family members and other significant persons			
 A. Did Protected Person interact with any family members (e.g., spouse, nature parents, adult children, and adult spouse) during the reporting period? Yes If you checked Yes, complete the following sections as appropriate. 					
				(1)	Family member's name:
					Relationship to Protected Person:
		Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:			
	(2)	Check this box if you have attached a sheet with additional information.			
	(2)	Family member's name:			
		Relationship to Protected Person: Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:			
		Check this box if you have attached a sheet with additional information.			
		Check this box if you have attached a sheet with additional family members.			

	□No
	If you checked No, complete the next section.
	Explain why:
	Check this box if you have attached a sheet with additional information.
3.	Did Protected Person interact with any other significant persons (e.g., friends former co-workers, and clergy) during the reporting period?
	□Yes
	If you checked Yes, complete the following sections as appropriate.
	(1) Significant person's name:
	Relationship to Protected Person:
	Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
	
	·
	,
	Check this box if you have attached a sheet with additional information.

Rule 7.11—Form 5: Guar	dian's Final Report for Protected Person, continued
(2) Sign	nificant person's name:
Rela	ationship to Protected Person:
Des pers	cribe the interactions, including whether the interactions were in son, and provide a summary of the interactions:
	neck this box if you have attached a sheet with additional information.
Check	this box if you have attached a sheet with additional significant persons.
□ No	
If you che	cked No, complete the next section.
Explain	why:
**	
:	
es.	
☐ Check	this box if you have attached a sheet with additional information.

12. Additional information

Check this box if you have attached a sheet	with additional information	n
Fees for Guardian Check one		
Fees are applied for. Attach affidavit	relative to compensation	Iowa Code section 633.202).
☐ Fees are waived.		
Fees for Guardian's attorney Check one		
Fees should be set by the court. a section 633.202).	Attach affidavit relative to	compensation (Iowa Code
☐ Fees are not requested.		
☐ Fees are waived or not applicable	€.	
Attorney Help Check one		
A. 🗌 An attorney did not help me p	orepare or fill in this	paper.
B. 🗌 An attorney helped me prepa	re or fill in this pape	r.
If you check B , you must fill in the foll	lowing information:	
Name of attorney or organization, if a	ny	
Business address of attorney or organ	ization	
City	State	ZIP code
()	T	
Phone number	Fax number	
Email address	Additional ema	ail address, if applicable

.Oath and	signature of	Guardia	an		
l, <u>Print your r</u>	пате		, have re	ad this Final	Report, and I certify under
	perjury and p ded in this Fi				of lowa that the information I
		. 20			
Month	Day	Year	Signature*		
Mailing addre	2SS				
City			-231	State	ZIP code
()					
Phone numbe	r				
Email address	5			Additional ema	il address, if applicable
*Handwrite v	our signature on	this form. S	Scan the form o	after signing it and	d file it electronically.

December 2019 Rule 7.11—Form 5 Page 14 of 14

Rule 7.12 Conservatorships; forms mandatory for self-represented litigants. An individual serving as conservator for a conservatorship without attorney representation must use forms contained in this rule for required filings. An attorney may use these forms but is not required to do so.

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.12—Form 1: Protected Information Disclosure

In the lowa District Court for ______ County

In the Matter of the Conservatorship of:

Full name: first, middle, last
If the protected person is a minor, use initials only.

Protected Person.

Protected information in full.

Probate no._____

Protected Information Disclosure

When protected information, as defined in lowa Court Rule 16.602, is required by law or is material to the case and is therefore included in nonconfidential documents on nonconfidential cases, a party must record the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules of Electronic Procedure, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted or partially provided.

1. Protected Person. The person who is the subject of the conservatorship.

Provide the complete version of protected information and the redacted version included in documents you file.			
Name			
First	Middle	Last	

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)	
Protected Person's full name (if minor)	Full name	Initials only	
B. Social security number		Last four digits only	
C. Date of birth	/ / mm/dd/yyyy	Year only	
D. Personal identification numbers (if no social security number)	Full number	Partial only	
E. Other unique identifying numbers	; Full rumber	Partial only	
E			
Additional protected information	Full information	Partial information	
G. Additional protected information	Full information	Partial information	

Rule ?	7.12-F	orm 1:	Protected	Information	Disclosure.	continued
--------	--------	--------	-----------	-------------	-------------	-----------

H. Additional protected information	Full information	Partial information	
l. Additional protected information	Full information	Partial information	

Check this box if you are attaching a separate sheet listing additional information for Protected Person.

2. Petitioner. The person filing the petition for appointment of a	a conservator
---	---------------

Provide the complete version of protected information and the redacted version included in documents you file.

Name				
First		Middle	Last	
Protecte	ed information type	Complete info		Redacted information

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
A. Social security number	- (-)	Last four digits only
B. Date of birth	/ / mm/dd/yyyy	Year only
Individual taxpayer identification numbers	je (je)	Last four digits only
D. Personal identification numbers (if no social security number)	Full number	Partial only
E. Other unique identifying numbers	Full number	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Petitioner.

3. Parent. If requesting a conservatorship of a minor, the person who has legal custody of the minor.

Provide the complete version of protected information and the redacted version included in documents you file.

	P		- / /
Name			
First	Middle	Last	

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
A. Social security number		Last four digits only
B. Date of birth	/ / mm/dd/yyyy	Year only

Rule 7.12-Form 1: Protected Information Disclosure, continued

C.	Individual taxpayer identification numbers	w -	Last four digits only
D.	Personal identification numbers (if no social security number)	Full number	Partial only
E.	Other unique identifying numbers	Full number	Partial only
F.	Additional protected information	Full information	Partial information
G.	Additional protected information	Full information	Partial information
H.	Additional protected information	Full information	Partial information
l.	Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Parent.

 Additional Parent. If requesting a conservatorship of a minor, any other person who has legal custody of the minor.

Provide the complete version of protected	information and the rea	lacted version included in documents you file.
Name	Des Soci	· ·
First	Middle	Last

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)	
A. Social security number	e e	Last four digits only	
B. Date of birth	/ / mm/dd/yyyy	Year only	
Individual taxpayer identification numbers	S) 8	Last four digits only	
D. Personal identification numbers (if no social security number)	Full rumber	Partial only	
E. Other unique identifying numbers	Full number	Partial only	
F. Additional protected information	Full information	Partial information	
G. Additional protected information	Full information	Partial information	
H. Additional protected information	Full information	Partial information	
l. Additional protected information	Full information	Partial information	

Check this box if you are attaching a separate sheet listing additional information for Additional Parent.

Year only

Partial only

Last four digits only

Rule 7.12-Form 1: Protected Information Disclosure, continued

5.	Proposed Conservator or Conservator.	The proposed, or current,	conservator of the protected
	person.		

First	Middle Las	t
Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
A. Social security number	e cer	Last four digits only
B. Date of birth	mm/dd/yyyy	Year only
C. Individual taxpayer identification numbers	- :-	Last four digits only
D. Personal identification numbers (if no social security number)	Full number	Partial only
E. Other unique identifying number	S Full number	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
I. Additional protected information	Full information	Partial information
Check this box if you are attaching or Conservator.	a separate sheet listing additional in	formation for Proposed Consera
Other Persons. Any other person with	information redacted in the docum	ents you file.
Provide the complete version of protected infe	ormation and the redacted version is	ncluded in documents you file.
Name	Middle Las	t
Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted informatio
A. Social security number	- 15	Last four digits only
R. Date of birth	1 1	Jose wegen very

Continued on next page

Full number

mm/dd/yyyy

C. Individual taxpayer identification numbers

D. Personal identification numbers (if no social security number)

Rule 7.12—Form 1: Protected Information Disclosure, continued

E. Other unique identifying number	rs Full number	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Other Person.

7. Information provided by:

Printed name		Isl Signature		
Law firm, if applicabl	e			
Mailing address				
City			State	ZIP code
Phone number				
Email address		20	Additional email a	ddress, if applicable
Month Date signed	Day	_, 20 Year	are	

 December 2019
 Rule 7.12—Form 1
 Page 5 of 5

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.12—Form 2: Background Check Information for a Proposed Conservator of a Protected Person

Instructions:

- Iowa Code section 633.564 requires the court to conduct a criminal records check and checks of the child abuse, dependent adult abuse, and sex offender registry for a proposed conservator of a protected person, and requires the proposed conservator to pay the background check fee (\$15.00). Note: The clerk of court will keep this information form confidential.
- Do not give copies of this form to anyone except the clerk of court or your attorney, if you have one.
- If there is no existing conservatorship approved by the court, file this form and a Petition to Establish a
 Conservatorship for a Protected Person with the clerk of court.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District	Court fo	r	County
In the Matter of the Conservatorship of:		Probate no	
Full name: first, middle, last If the protected person is a minor, use initials only. Protected Person.			d Check Information for a onservator of a Protected Person
Conservator states as follows:			Iowa Code § 633.564
Proposed Conservator's pers A. Current legal name	sonal info	rmation	
Full first name	(write "N	niddle name A" if no middle name)	Full last name
B. Personal identifying informa	tion		
Date of birth (month/day/year)		Gender	Social security number
C. All other names ever used (inicknames) Alternate	including a	any other previo	ous legal names and
name #1Full first name	(wi	ll middle name rite "N/A" if no niddle name)	Full last name
Alternate name #2			
Full first name	(wi	ll middle name ite "N/A" if no niddle name)	Full last name
December 2019	ontinued o	n next page	Page 1 of 2

name #3			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #4			
Hame #4	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #5			
name #5	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #6			
name #0	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate			
name #7	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate			
name #8	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate			
name #9	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Certification	on and release autho		
Certification	on: I confirm that the i	nformation provided above	is true and correct.
		The state of the s	conduct an lowa crimir
history reco history data law. I unde court record	ord check with the D a concerning me mai erstand this can incl	ivision of Criminal Investig ntained by the DCI may b ude information concernir etion of the terms of a defe	e released as allowed ng cases expunged fro
history reco history data law. I undo court record arrests with	ord check with the D a concerning me mai erstand this can incl ds, successful comple nout dispositions.	ivision of Criminal Investig ntained by the DCI may b ude information concernir etion of the terms of a defe	e released as allowed ng cases expunged fro rred judgment, if any, a
history reco history data law. I undo court record arrests with	ord check with the Da concerning me mai erstand this can include, successful complement dispositions.	ivision of Criminal Investig ntained by the DCI may b ude information concernir etion of the terms of a defe	e released as alloweding cases expunged from the red judgment, if any, a hear and the red judgment and the red jud

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.12—Form 3: Conservator's Request for Approval for Other Action on Behalf of Protected Person

Instructions: Copies of this Request must be provided to Protected Person, Protected Person's attorney and court advisor, if any, and others as the court directs.

	7,				
	In the Iowa District Court fo	r County			
n the	• Matter of the Conservatorship of:	Probate no. Conservator's Request for Approval			
ull nan	ne: first, middle, last	for Other Action on Behalf of Protected Person			
	otected person is a minor, use initials only.	. 5.55.11			
rote	cted Person.				
		Iowa Code § 633.642			
I. Re	equested actions				
Ī,		as Conservator of			
1	Name of Conservator or financial institution				
-		, request authorization from the court to			
	Name of Protected Person or Initials of Protected Minor				
tal	take the following action on behalf of Protected Person: Mark all that apply				
	Invest Protected Person's assets cons	sistent with Iowa Code section 633.123.			
		alf from conservatorship assets to persons cientific, or other nonprofit organizations to ularly made prior to Conservator's			
	Make gifts upon a showing that such the perspective of gift, estate, inherita	gifts would benefit Protected Person from nce, or other taxes.			
	Make payments consistent with Considerectly to Protected Person or to othe training needs.	ervator's Initial Plan or Amended Plan ers for Protected Person's education and			
	Use Protected Person's income or as Protected Person is legally obligated				
	Compromise, adjust, arbitrate, or settl or Conservator due to Conservator's conservatorship.	e any claim by or against Protected Person reasonable actions on behalf of the			
	Continued o	n next page			

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA_Access/). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

Rule 7.12—Form 3: Conservator's Request for Approval for Other Action on Behalf of Protected Person, continued
Make elections for Protected Person who is the surviving spouse as provided in lowa Code sections 633.236 and 633.240.
 Exercise the right to disclaim on behalf of Protected Person as provided in lowared Code section 633E.5.
Sell, mortgage, exchange, pledge, or lease Protected Person's real and person property consistent with lowa Code sections 633.383–.403 regarding sale of property from a decedent's estate.
Other action. Describe and explain below.
2. Explanation of actions for which Conservator is seeking court approval
Action:
Describe action for which Conservator is seeking the court's approval.
Explain how this action benefits Protected Person:
Check this box if you have attached a sheet with additional information.
Action:
Action:
Explain how this action benefits Protected Person:
Check this box if you have attached a sheet with additional information.

Action:

Rule 7.12—Form 3: Conservator's Request for Approval for Other Action on Behalf of Protected Person, continued

Describe action for which Conservator is seeking the court's approval.

2.			
9			
Checi	k this box if you have attached a sheet with add	litional information.	
Action:	×		
totion.	Describe action for which Conservator is seei	king the court's app	roval
Explaii	n how this action benefits Protected	Person:	
<u> </u>			
V			
Checi	k this box if you have attached a sheet with add	itional information.	
	his box if you have attached a sheet with addition		
	ney Help Check one	onai requesiea acua	71.5.
		en i. Ali.	
	An attorney did not help me prepare or		
	An attorney helped me prepare or fill in If you check B, you must fill in the following in	70 127G	
	ij you eneek 2, you musejiii in me jouowing ii	gormanon.	
	Name of attorney or organization, if any		
	Business address of attorney or organization		
	City	State	ZIP code
	()		
	Phone number	Fax number	
		Additional email	address, if applicable
	Email address	Auditional email	
	Email address Continued on		

Rule 7.12 - Form 3: Conservator's Request for Approval for Other Action on Behalf of Protected Person, continued

I,, have read this Request, and I certify under							
Print Conse	rvator's name						
penalty of p	perjury and p	ursuant	to the laws	of the State	of lowa that the information I		
have provided in this Request is true and o				orrect.			
<u>.</u>		9					
		, 20	<u> </u>				
Month	Day	Year	Signature*				
Name of finance	cial institution, if	applicable	<u>1</u> 01	Conservator's t	itle, if applicable		
30	•				Control Landscape Control Cont		
Mailing addre	22						
manning accord	55						
City				State	ZIP code		
Cuy				State	ZIF Code		
()_							
Phone number	ie.						
AT .			-	4 9 9 1	il address, if applicable		
Email address				Additional emai	u aaaress. 11 appucapte		

Rule 7.12—Form 4:	Notice of Filing	Conservator's Initial	Plan or Amended Plan
-------------------	------------------	-----------------------	----------------------

In the Iowa District Court fo	r County
In the Matter of the Conservatorship of:	Probate no
Full name: first, middle, last If the protected person is a minor, use initials only. Protected Person.	□Initial Plan □Amended Plan
	Iowa Code § 633.670(1)(b)
To: Name of Protected Person Name of Protected Person's Attorney (if applicable) Name of Court Advisor (if applicable)	
You are notified that ${\textit{Name of Conservator or finance}}$	cial institution
as conservator of	, i
filed a Conservator's Check one	
☐ Initial Plan	
☐ Amended Plan	
on $\underline{\qquad}_{Month} \qquad \underline{\qquad}_{Day}, 20\underline{\qquad}_{Year}.$	

All initial plans or amended plans must outline Conservator's plan for protecting, managing, investing, expending, and distributing the assets of the conservatorship. The plan must be based on the needs of Protected Person and take into account the best interest of Protected Person as well as Protected Person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, Conservator.

Continued on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA Access/). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

Rule 7.12-Form 4: Notice of Filing Conservator's Initial Plan or Amended Plan, continued

At a minimum, all initial plans or amended plans must include:

- (1) A budget containing projected expenses and resources for Protected Person, including an estimate of the total amount of fees Conservator anticipates charging per year and a statement or list of the amount Conservator proposes to charge for each service Conservator anticipates providing to Protected Person.
- (2) A statement as to how Conservator will involve Protected Person in decisions about management of conservatorship assets.
- (3) If ordered by the court, any steps Conservator plans to take to develop or restore the ability of Protected Person to manage conservatorship assets.
- (4) An estimate of the duration of the conservatorship.

A copy of the filed plan is included with this notice.

Any person entitled to a copy of the plan must file any objections to the plan not later than fifteen days after it is filed.

Conservator's Information:

Month	Day	, 20 <u> </u>	Signature		
Conservator's	printed name				
Name of finan	cial institution, ij	f applicable	2	Conservator's title	, if applicable
Mailing addre	rss .				
City				State	ZIP code
Phone number					
Email address	ĭ			Additional email a	ddress, if applicable

Instructions

- Conservator must complete, sign, and file this form with the court within ninety (90) days of appointment, when there
 has been a significant change in circumstances, or when Conservator seeks to deviate significantly from an approved
 plan.
- Within two (2) days of filing this form, Conservator must provide notice of filing (Rule 7.12—Form 4: Notice of Filing
 of Conservator's Initial Plan or Amended Plan) and a copy of this form to Protected Person, Protected Person's
 attorney and court advisor, if any, and others as the court directs.
- Do not include protected information on this form. For protected information, complete Rule 7.12—Form 1: Protected Information Disclosure.
- The purpose of the Initial Plan is to provide the court with a complete picture of Protected Person's current situation, Protected Person's needs, and Conservator's plan to meet those needs.
- Provide as much detailed information as possible.

In the Matter of the Conservatorship of: Conservator's Check one Initial Plan Amended Plan
Full name: first, middle, last If the protected person is a minor, use initials only. Protected Person. Lowa Code § 633.670(1)(a), Conservator states as follows: 1. Conservator's information A. Conservator's name: Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
Protected Person. Iowa Code § 633.670(1)(a), Conservator states as follows: 1. Conservator's information A. Conservator's name: Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
Conservator states as follows: 1. Conservator's information A. Conservator's name: Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
1. Conservator's information A. Conservator's name: Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
A. Conservator's name: Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
Name of Conservator or financial institution B. Conservator is Protected Person's: Check one
B. Conservator is Protected Person's: Check one
Check one
□ Spauce
☐ Spouse
☐ Adult child
☐ Parent
☐ Adult sibling
☐ Financial institution
Other:

Continued on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA Access/). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

2.

Prote	cted Person's information							
A. Pr	otected Person's age:	3						
3. Re	eason for conservatorship:							
_								
-								
-								
-								
	Check this box if you have attached a sheet with ac	dditional infon	mation.					
C. Pr	otected Person's residence:							
\overline{M}	illing address			<u> </u>				
·	•	-	-					
Cit	y	State	ZIP code					
	Guardianship: Check one							
). G	uardianship: Check one							
). G	uardianship: <i>Check one</i> Protected Person does not have a gu	ardian or g	guardianship) .				
D. G	·		50 Water) .				
D. G	Protected Person does not have a gu Protected Person has a natural guard	lian (legal _l	50 Water) .				
). Gi	Protected Person does not have a gu	lian (legal _l	50 Water) .				
D. Gi	Protected Person does not have a gu Protected Person has a natural guard	lian (legal _l	50 Water) .				
D. G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last	lian (legal _l	50 Water	TIP code				
D. G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address	dian (legal	50 Water					
D. Gi	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address	dian (legal	50 Water					
D. Gi	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address	dian (legal	50 Water	ZIP code				
). G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additiona	parent):	ZIP code				
). G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additional dead guardia	parent):	ZIP code				
). G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City () Phone number Email address Protected Person has a court-appoint	State Additional dead guardia	parent):	ZIP code				
). G	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additional dead guardia	parent):	ZIP code				
D. G.	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additional delayers and a state and	parent):	ZIP code s, if applicable				
D. G.	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additional delayers and a state and	parent):	ZIP code				
D. G.	Protected Person does not have a gu Protected Person has a natural guard Full name of natural guardian: first, middle, last Mailing address City (State Additional dale, last State	parent):	ZIP code s, if applicable ZIP code				

E.	E. Does Protected Person have a valid Durable	Financial Power of	Attorney?
	Yes File a copy of the power of attorney as an attachm	ent to this form.	
	□No		
F.	F. Does Protected Person have a Last Will and	Testament?	
	☐ Yes ☐ No		
	If you checked Yes, complete the next section.		
	Has the original Last Will and Testament I	peen filed with the o	clerk of court?
	☐ Yes, in County,	 Name of state	
	☐ No, the following person has a copy of		estament:
	Full name: first, middle, last/business name		
	Mailing address		
	City	tate	ZIP code
	()Phone number		
	Email address A	ddia a al amail a ddaaa	: C 1: 1.1 -
_		dditional email address,	Visit South Committee (Committee Committee Com
G.	G. Does Protected Person have a prepaid funera		merai trust?
	Yes File a copy of the contract plan or trust as an attac	chment to this form.	
	□No		

3. Annual budget

A. Income sources

Estimate the amount of each source of income Protected Person receives.

*How often is income received?

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

	Jr	ncome
Income sources for Protected Person	How often received?* W,B,M,T	Amount
(1) Wages from employer Employer name: Job title:		\$
(2) Wages from employer Employer name: Job title:		\$
(3) Unemployment assistance		\$
(4) Family Investment Program		\$
(5) Social Security		\$
(6) Other Identify:		\$
(7) Other Identify:		\$
(8) Other Identify:		\$
(9) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's income sources.		\$
Total Total estimated annual income for Protected Person		\$

B. Debts and liabilities

Estimate the amount of each debt or liability Protected Person owes.

*How often are debts and liabilities paid?

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

	Debts and liabilities		
Debts and liabilities of Protected Person	How often paid?* W,B,M,T	Amount	
(1) Mortgage		\$	
(2) Car loan payments		\$	

Continued on next page

	¥							
(3) Credit card debt		\$						
(4) Other Identify:								
(5) Other Identify:								
(6) Other Identify:		\$						
(7) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's debts and liabilities.		\$						
Total Total estimated annual debts and liabilities for Protected Person \$								
Is any other person jointly liable for all or part of	any listed debt o	r liability?						
☐Yes ☐No								
If you checked Yes, complete the next section.								
Debt:								
Description of jointly owed debt or liability								
a. Person jointly liable:								
Full name: first, middle, last	Full name: first, middle, last							
b. Above person's relationship to Protected Person: Describe relationship								
c. Payment amount (if any):								
Identify payment amount and how often it is paid								
d. Source of payments (if any):								
Debt:								
Description of jointly owed debt or liability								
a. Person jointly liable:								
Full name: first, middle, last								
b. Above person's relationship to Protected Person:								
Describe relationship								
c. Payment amount (if any):								
d. Source of payments (if any):								
Identify source	es of payment for debi	or liability						
Continued on next page								

Rule 7.12—Form .	5: Conservator's Initial Plan or Amended Plan, continued				
Debt: Description of jointly owed debt or liability					
a.	Person jointly liable:				
	Full name: first, middle, last				
h	Above person's relationship to Protected Person:				
	Describe relationship				
C.	Payment amount (if any):				
d.	Source of payments (if any):				
	Identify sources of payment for debt or liability				
☐ Chec	ck this box if you have attached a sheet with additional debts or liabilities.				
Are any of the listed debts or liabilities owed by Protected Person to Conservator?					
☐ Yes ☐ No					
If you checked Yes, complete the next section.					
Debt:					
	Description of debt or liability owed by Protected Person to Conservator				
a.	Amount: \$				
	Total amount of debt or liability				
b.	Current balance: \$				
C.	Source of payments (if any): Identify sources of payment for debt or liability				
Debt:					
Debt.	Description of debt or liability owed by Protected Person to Conservator				
a.	Amount: \$				
	Total amount of debt or liability				
b.	Current balance: \$				
	Current balance owed				
C.	Source of payments (if any): Identify sources of payment for debt or liability				
	taentijy sources oj payment jor aebt or nabinty				
AT 285					

C. Monthly or annual budget

Complete a monthly or annual budget for Protected Person.

Type of expense	Amount estimated Check one ☐ monthly ☐ annual
(1) House payment or rent	\$
(2) Food At home and restaurants	\$
(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$
(4) Clothing	\$
(5) Medical, dental Not health insurance payments – see (10).	\$
(6) Utilities (gas, electric, water)	\$
(7) Phone	\$
(8) Cable / satellite television / internet	\$
(9) Car insurance payment	\$
(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$
(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$

10.000 100 100					and the second second	100 TO 10	AND THE RESERVE OF THE PARTY OF
Rule ?	7 12-	Form 5	Conservo	tor's Initio	l Plan or	Amended P	lan continued

Total Total monthly or annual budgeted expenditures \$				
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$			
(19) Other expense Identify:	\$			

4.

Total Total monthly or annual budgeted expendit	ures	\$
onservatorship checking and sav	ings account	
. Is there a conservatorship checki	ng account?	
☐ Yes ☐ No		
If you checked Yes, complete sections (1) a	and (2), otherwise skip to B.	
(1) Is the checking account into	erest-bearing?	
☐ Yes ☐ No		
(2) Location of conservatorship	checking account:	
Name of financial institution		
Mailing address		
City	State	ZIP code
The partial account	number is:	
	Last 4 digits of	f account number
. Is there a conservatorship saving	s account?	
☐ Yes ☐ No		
If you checked Yes, complete the next section	on.	
Location of conservatorship saving	gs account:	
Name of financial institution		
Mailing address		
	State State	ZIP code
City	state	
City The partial account number		41

5.	Conservatorship services and fees								
	Will Conservator be charging for services provided to Protected Person?								
	☐ Yes ☐ No								
	If you checked Yes, complete the next section, otherwise skip to 6 .								
	List the services Conservator will provide to Protected Person and an estimate of the charge for each service.								
	Conservatorship service	Amount estimated Check one hourly monthly annual							
	(1)	\$							
	(2)	\$							
	(3)	\$							
	(4)	\$							
	(5) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding conservatorship services.	\$							
	Total amount of fees Conservator anticipates charging annually for services:	\$							
3.	Asset management plan Identify each of Protected Person's assets that Conservator describe Conservator's plan for management of the asset.	r will manage and							
	Asset (1)								
	Asset: Description of asset Plan for management of this asset:								
	-								
	Check this box if you have attached a sheet with additional information.								
	Continued on next page								

Asset (2)	
00 49	
Asset:	
Plan for management of this asset:	
Check this box if you have attached a sheet with additional information.	
· · · · · · · · · · · · · · · · · · ·	
Asset (3)	
Asset:	
Description of asset	
Plan for management of this asset:	
2 2	
	
Check this box if you have attached a sheet with additional information.	
Asset (4)	
Asset:	
Description of asset	
Plan for management of this asset:	
Flati for management of this asset.	
,	
Check this box if you have attached a sheet with additional information.	
Charlatia Land Cara Lana attenda da alanta additi and anata	
Check this box if you have attached a sheet with additional assets.	
Continued on next page	

7.	Involvement of Protected Person
	State how Conservator will involve Protected Person in decisions about the management of the conservatorship's assets:
	Check this box if you have attached a sheet with additional information.
8.	Restoration of Protected Person to management of conservatorship assets
	If ordered by the court, state the steps Conservator plans to take to develop or restore the ability of Protected Person to manage the conservatorship assets:
	Check this box if you have attached a sheet with additional information.
9.	Duration of conservatorship
	How long is the conservatorship estimated to last? Explain
	Check this box if you have attached a sheet with additional information.
	Continued on next page

10	Ad	Iditional information ditional information that may be useful for the court to determine what is in otected Person's best interest:
	-	Diecled Person's best interest.
		Check this box if you have attached a sheet with additional information.
11	.Re	quest for approval of proposed budget and general conservatorship powers
	Co	nservator requests that the court approve the following: Check only those that apply
		Conservator's proposed budget for Protected Person.
		Authority to apply for and receive Protected Person's income (see 3(A)).
		Authority to use conservatorship income and assets for payment of debts and liabilities (see $3(B)$).
		Authority to use conservatorship income and assets for payment of expenses in accordance with the proposed monthly or annual budget (see $3(C)$).
		Authority to use conservatorship income and assets for payment of conservatorship services and fees (see 5).
		Authority to manage Protected Person's assets in accordance with the proposed asset management plan (see 6).
		Authority to use conservatorship income and assets for payment of attorney fees and other professional fees related to administration of the conservatorship.
		Authority to use conservatorship income and assets for payment of Protected Person's miscellaneous expenses not to exceed \$ per month without further order of the court.
		Authority to file Protected Person's federal and state income tax returns and pay Protected Person's income taxes and local property taxes from conservatorship income and assets.
	Noi Req	e: If additional conservatorship powers are necessary, complete and file Rule 7.12—Form 3: Conservator' nuest for Approval for Other Action on Behalf of Protected Person.
12		es for Conservator eck one
		Fees are applied for. Attach affidavit relative to compensation (Iowa Code section 633,202).
		Fees are waived.
		Continued on next page
		Conunuea on next page

Fees should be set by the court. Attach affidavit relative to compensation (Iowa Code section 633.202). Fees are not requested. Fees are waived or not applicable. 14. Attorney Help Check one A.		Fees for Conservator's Check one	attorne	у			
□ Fees are waived or not applicable. 14. Attorney Help Check one A. □ An attorney did not help me prepare or fill in this paper. B. □ An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Business address of attorney or organization City State ZIP code (□ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	[the cou	rt. Attach aff	idavit relative to co	mpensation (Iowa Code	
14. Attorney Help Check one A.	[☐ Fees are not requeste	d.				
A. An attorney did not help me prepare or fill in this paper. B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Business address of attorney or organization City State ZIP code ([☐ Fees are waived or no	t applica	ble.			
B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Business address of attorney or organization City State ZIP code (14.	Attorney Help Check one					
B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Business address of attorney or organization City State ZIP code (,	A. An attorney did no	t help m	e prepare	or fill in this pa	aper.	
Name of attorney or organization, if any Business address of attorney or organization City State ZIP code () Phone number Fax number Email address Additional email address, if applicable 15. Oath and signature I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		(1.0	54 * °	
Business address of attorney or organization City State ZIP code () Phone number Fax number Email address Additional email address, if applicable 15. Oath and signature I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		If you check B, you mus	st fill in the	following in	formation:		
City State ZIP code Phone number Fax number Email address Additional email address, if applicable 15. Oath and signature Name Name Name Certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		Name of attorney or org	ganization,	if any			
Phone number Fax number Fax number Additional email address, if applicable 15. Oath and signature I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		Business address of atto	orney or or	ganization			
Email address Additional email address, if applicable 15. Oath and signature I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		City			State	ZIP code	20
I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		()_ Phone number			Fax number		€.
I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as		Email address			Additional email	address, if applicable	
I,, have read this Initial Plan or Amended Plan, and Print Conservator's name certify under penalty of perjury and pursuant to the laws of the State of lowa that the information I have provided in this plan is believed to be complete and accurate as	15.0	5.Oath and signature					
	i 1	Print Conservator's name certify under penalty of p nformation I have provid far as information permits	erjury ar ed in this s. 20	nd pursua s plan is b	nt to the laws o	f the State of Iowa	that the
Month Day Year Signature*	1	Month Day	Year	Signature*			
Name of financial institution, if applicable Conservator's title, if applicable	Ī	Name of financial institution, if a	applicable		Conservator's tit.	le, if applicable	145 251
Mailing address	Ī	Mailing address					
City State ZIP code	-	City			State	ZIP code	2
()	(()					
Phone number	1	Phone number					
Email address Additional email address, if applicable	Ī	Email address			Additional email	address, if applicable	
*Handwrite your signature on this form. Scan the form after signing it and file it electronically.	93	*Handwrite your signature on th	is form. Sc	an the form a	fter signing it and j	île it electronically.	
December 2019 Rule 7.12—Form 5 Page 13 of	Dece	mber 2019		Rule 7 12—	Form 5	Day	ge 13 of 13

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 7.12—Form 6: Inventory of Assets of Protected Person

Instructions:

- Conservators must complete, sign, and file this form with the court within ninety (90) days of appointment. Once the
 conservatorship is approved, Conservators must also file this form with all Conservator's Annual Reports and Final
 Reports, identifying Protected Person's assets at the close of the reporting period.
- The purpose of the Inventory is to provide the court with a complete picture of Protected Person's current assets.
- Copies of this Inventory must be provided to Protected Person, Protected Person's attorney and court advisor, if any, and others as the court directs.

In the Iowa District Court fo	orCounty
In the Matter of the Conservatorship of:	Probate no
Full name: first, middle, last	Inventory of Assets of Protected Person
If the protected person is a minor, use initials only.	
Protected Person.	
	Iowa Code § 633.670(2

Conservator states as follows:

1. Protected Person's assets

Protected Person owns the following assets:

A. Real estate

Type of real estate	Jointly owned? Check box if jointly owned.	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value minus debt owed
(1) Homestead Address		\$	\$ to:	\$
(2) Other real estate <i>Address</i>		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information.

Continued on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA_Access). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

Rule 7.12—Form 6: Inventory of Assets of Protected Person, continued

B. Vehicles Includes cars, trucks, motorcycles, and other motorized vehicles.

Vehicles Make (e.g., Ford) Year	Jointly owned? Check box if jointly owned	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net Value Market value minus debt owed
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

 $[\]square$ Check this box if you have attached a sheet with additional information.

C. Securities, stocks, & bonds

Securities, stocks, & bonds Company name	Jointly owned? Check box if jointly owned	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value minus debt owed
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information.

Rule 7.12-Form 6: Inventory of Assets of Protected Person, continued

D. Life insurance

Life insurance Company name	Jointly owned? Check box if jointly owned	Cash value Not death benefit	Loan from cash value Total amount still owed on loan	Cash value Minus loan owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

 $[\]square$ Check this box if you have attached a sheet with additional information.

E. Bank accounts

Checking & savings accounts Bank or Credit Union name If you do not use bank accounts, write "Cash"	Jointly owned? Check box if jointly owned	Cash value	Personal loans or overdraft accounts Total amount still owed, if any	Net value Cash value minus loan / overdraft owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

 $[\]square$ Check this box if you have attached a sheet with additional information.

F. Household

Household contents Describe	Jointly owned? Check box if jointly owned	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value mirus debt owed
(1) Furniture a.		\$	\$ to:	\$
b.		\$	\$ to:	\$
C.		\$	\$ to:	\$
d.		\$	\$ to:	\$

	Ru	le	7.12-	-Form	6:	Inventory of	Assets	of Protecte	d Person.	continue
--	----	----	-------	-------	----	--------------	--------	-------------	-----------	----------

(2) Appliances / Electronics a.	\$	to:	\$
b.	\$	to:	\$
C.	\$	\$ to:	\$
d .	\$	\$ to:	\$
(3) Other contents a.	\$	\$ to:	\$
b.	\$	\$ to:	\$
C.	\$	\$ to:	\$

G. Retirement assets

Retirement assets Examples: Pensions, IRAs, 401(k)s, annuities, etc.	Jointly owned? Check box if jointly owned	Market value What it would sell for	Loan from retirement account Total amount still owed, if any and to whom owed	Net value Market value minus loan owed
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

 $[\]hfill \Box$ Check this box if you have attached a sheet with additional information.

 $[\]square$ Check this box if you have attached a sheet with additional information.

Rule 7.12-Form 6: Inventory of Assets of Protected Person, continued

H. Other assets Items not listed in the other boxes should be listed here. For example: jewelry, furs, guns, sporting goods, farm animals.

sporting goods, jurin unimus.								
Other assets Describe	Jointly owned? Check box if jointly owned	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value minus debt owed				
(1)	\$ to:	\$						
(2)		\$	\$ to:	\$				
(3)		\$	\$ to:	\$				
Check this box if you have attache I. Totals			nation.					
(1) Total from attached sheets L	isted in 1A-	H.		\$				
(2) Total net value of assets L	isted in 1A-	Н.		\$				
J. Jointly owned assets For each jointly owned as Asset:	set, ident	ify:						
Description of jointly or	wned asset							
a. Person responsible	le for mar	nagement of as	sset:					
Full name: first, middle	Full name: first, middle, last							
b. Person responsible	le for pay	ments (if any):						
Full name: first, middle	, last							
c. Payment amount	(if any):_							
2 2 2		10************************************	ount and how often it is pa	nd				
d Source of navmer	te (if any	1.						

Continued on next page

Identify sources of payment for asset

Rule 7.12—Form 6	: Inventory of Assets of Protected Person, continued
Asset:	
	Description of jointly owned asset
a.	Person responsible for management of asset:
	Full name: first, middle, last
b.	Person responsible for payments (if any):
	Full name: first, middle, last
C.	Payment amount (if any):
d.	Source of payments (if any): Identify sources of payment for asset
	Identify sources of payment for asset
Asset:	
	Description of jointly owned asset
a.	Person responsible for management of asset:
	Full name: first, middle, last
b.	Person responsible for payments (if any):
	Full name: first, middle, last
C.	Payment amount (if any):
	Identify payment amount and how often it is paid
d.	Source of payments (if any): Identify sources of payment for asset
☐ Chec	k this box if you have attached a sheet with additional jointly owned assets.

Rule 7.12—Form 6: Inventory of Assets of Protected Person, continued

2. Other assets

A. Provide a complete list of Protected Person's assets **not transferred** into conservatorship's name.

Other Describ	assets be	Jointly owned? Check box if jointly owned	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value mirus debt owed		
(1)			\$	\$ to:	\$		
(2)			\$	\$ to:	\$		
(3)			\$	\$ to:	\$		
(4)		, <u> </u>	\$	\$ to:	\$		
(5)			\$	\$ to:	\$		
(6)			\$	to:	\$		
☐ Check this box if you have attached a sheet with additional information. For each jointly owned asset, identify: Asset:							
Description of jointly owned asset a. Person responsible for management of asset:							
b.	Full name: first, middle, last b. Person responsible for payments (if any):						
	Full name: first, middle, last						
C.	Payment amount (i	if any): ^{Iden}	tify payment amo	ount and how often it is pai	d		
d.	I. Source of payments (if any): Identify sources of payment for asset						

Rule 7.12—Form 6	Enventory of Assets of Protected Person, continued
Asset:	
	Description of jointly owned asset
a.	Person responsible for management of asset:
	Full name: first, middle, last
b.	Person responsible for payments (if any):
	Full name: first, middle, last
C.	Payment amount (if any): Identify payment amount and how often it is paid
	Identify payment amount and how often it is paid
d.	Source of payments (if any):
	Identify sources of payment for asset
Asset:	
	Description of jointly owned asset
a.	Person responsible for management of asset:
	Full name: first, middle, last
b.	Person responsible for payments (if any):
	Full name: first, middle, last
C.	Payment amount (if any): Identify payment amount and how often it is paid
	Source of payments (if any): Identify sources of payment for asset
-	k this box if you have attached a sheet with additional jointly owned assets.

Rule 7.12-Form 6: Inventory of Assets of Protected Person, continued

B. Provide a complete list of any assets **not owned solely** by Protected Person that will be transferred into conservatorship's name.

Other assets Describe	Market value What it would sell for	Debt Total amount owed on debt and to whom owed	Net value Market value minus debt owed
(1)	\$	\$ to:	\$
(2)	\$	\$ to:	\$
(3)	\$	\$ to:	\$
(4)	\$	\$ to:	\$
(5)	\$	\$ to:	\$
(6)	\$	\$ to:	\$

Check this box if you have attached a sheet with additional information.

3.	Attorney	Help	Check one
•	, reconney		Circuit Oire

A		A	attorney	-1: -1	1	T T	DESERVED.	SERVED RESPONSE OF	CII	10000	11-1-	
Δ		Δn	attornev	ala	not	nein	me	nrenare	Or TIII	ın	THIS	naner
/ t.	_	, (11	uttorrie v	WI W	1100	LICID	1110	DICDUIC	VI 1111		uno	DUDCI.

B. □	An attorner	v helped	me prepare	or fill in	this paper.
------	-------------	----------	------------	------------	-------------

If you check **B**, you must fill in the following information:

Name of attorney or organizati	on, if any	
Business address of attorney or	organization	
City	State	ZIP code
()_ Phone number	Fax number	
Email address		l address, if applicable

Rule 7.12—Form 6: Inventory of Assets of Protected Person, continued

			, have rea	d this Inventory	, and I certify under
penalty of	ded in this Inv				lowa that the information and accurate as far as
	27 10. 21	. 20			
Month	Day	Year	Signature*		
					AND THE STATE OF T
Mailing addre	SS			7	
Mailing addre	ess			State	ZIP code
				State	ZIP code
City ()_	r				ZIP code address, if applicable

Rule 7.12—Form 7: Conservator's Annual Report

Instructions:

- Conservators must complete, sign, and file this form on an annual basis within sixty (60) days of the close of the
 reporting period.
- Once filed, Conservator must serve a copy of this Annual Report on Protected Person, Protected Person's attorney and court advisor, if any, and others as the court directs.
- Do not include protected information on this form. For protected information, complete Rule 7.12—Form 1: Protected Information Disclosure.
- The purpose of this Annual Report is to provide the court with the current financial situation of the conservatorship and
 an accounting of important transactions that occurred during the reporting period. The Annual Report is also an
 opportunity to advise the court of any anticipated needs of Protected Person arising during the upcoming year and
 obtain court approval to meet those needs.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

In the Iowa District Court fo	or County
In the Matter of the Conservatorship of:	Probate no
Full name: first, middle, last If the protected person is a minor, use initials only. Protected Person.	Conservator's Annual Report
	Iowa Code § 633.670(3)
Conservator states as follows:	
1. Reporting period	
This report is for the period from: Month	
2. Conservator's information	
A. Conservator's name:	
Name of Conservator or financial institution	
B. Conservator is Protected Person's: Check one	
☐ Spouse	
☐ Adult child	
☐ Parent	
☐ Adult sibling	
☐ Financial institution	
Other:	
Continued	on next nage

Continued on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA_Access). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

Rule 7.12—Form 7: Conservator's Annual Report, continued

rotected Pe			
	Person's age:	<u> </u>	
. Neason loi	r conservatorship:		
3			
fi s.			
13 0			
Check this	box if you have attached a she	et with additional information	·
	Person's residence:	er war additional information	1.
N			
Mailing addre	SS		
City		State	ZIP code
O.,	hip: Check one		
. Guardiansi	Section 1 december 2000 Contracts		lanabia
	ed Person does not have	/e a duardian or duardi	anshid.
☐ Protect	ed Person does not hav ed Person has a natura		
☐ Protect	ed Person does not haved ed Person has a natura		
☐ Protect		ıl guardian (legal paren	
☐ Protect ☐ Protect	ed Person has a natura	ıl guardian (legal paren	
☐ Protect	ed Person has a natura	ıl guardian (legal paren	
☐ Protect ☐ Protect	ed Person has a natura	ıl guardian (legal paren	
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ ☐	ed Person has a natura e of natural guardian: first, mid	ll guardian (legal paren	nt):
☐ Protect ☐ Protect ☐ Full name Mailing a	ed Person has a natura e of natural guardian: first, mid	ll guardian (legal paren	nt):
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ ☐	ed Person has a natura e of natural guardian: first, mid uddress	Il guardian (legal paren	nt):
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add	ed Person has a natura e of natural guardian: first, mid uddress	Il guardian (legal paren ddle, last State Additional emai	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add ☐ Protect	ed Person has a natural e of natural guardian: first, middless	Il guardian (legal paren ddle, last State Additional email	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add ☐ Protect	ed Person has a natura e of natural guardian: first, mid ddress mber dress	Il guardian (legal paren ddle, last State Additional email	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add ☐ Protect	ed Person has a natural of natural guardian: first, middless	Il guardian (legal paren ddle, last State Additional email	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add ☐ Protect ☐ Full name ☐ Mailing a	ed Person has a natural of natural guardian: first, middless	Il guardian (legal paren ddle, last State Additional email appointed guardian: first, middle, last	ZIP code
☐ Protect ☐ Protect ☐ Full name Mailing a City (☐ Phone nu. Email add ☐ Protect Full name	ed Person has a natural of natural guardian: first, middless	Il guardian (legal paren ddle, last State Additional email	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu ☐ Email add ☐ Protect ☐ Full name ☐ Mailing a	ed Person has a natural e of natural guardian: first, middress) mber dress ed Person has a court-a e of court-appointed guardian: ddress	Il guardian (legal paren ddle, last State Additional email appointed guardian: first, middle, last	ZIP code
☐ Protect ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ Phone nu. ☐ Email add ☐ Protect ☐ Full name ☐ Mailing a ☐ City ☐ (ed Person has a natural e of natural guardian: first, middress) mber dress ed Person has a court-a e of court-appointed guardian: ddress	Il guardian (legal paren ddle, last State Additional email appointed guardian: first, middle, last	ZIP code

Rule 7.12-Form 7: Conservator's Annual Report, continued E. Does Protected Person have a valid Durable Financial Power of Attorney? Yes File a copy of the power of attorney as an attachment to this form. ☐ No F. Does Protected Person have a Last Will and Testament? ☐ Yes ☐ No If you checked Yes, complete the next section. Has the original Last Will and Testament been filed with the clerk of court? County, Name of state ☐ Yes, in Name of county □ No, the following person has a copy of the Last Will and Testament: Full name: first, middle, last / business name Mailing address City State ZIP code Email address Additional email address, if applicable G. Does Protected Person have a prepaid funeral plan or funeral trust: Yes File a copy of the contract plan or trust as an attachment to this form. ☐ No H. Protected Person's health during reporting period (1) Summarize Protected Person's physical health during the reporting period, identifying any physical concerns that occurred and if the concern is resolved or ongoing: Check this box if you have attached a sheet with additional information.

Rule 7.12—Form 7: Conservator's Annual Report of	haunitur

	(2	Summarize Protected Person's mental hear identifying any mental, cognitive, behaviors occurred and if the concern is resolved or a concern is resolved or a concern is resolved.	al, or emotional o	
		Check this box if you have attached a sheet with addi	itional information.	-
	(3	Summarize any other health care concerns occurred during the reporting period and if		
4	2-20	Check this box if you have attached a sheet with addi	tional information.	
4.		servatorship assets	2 2/ .	
		otal value of conservatorship assets at close porting period:	of prior	\$
		otal value of conservatorship assets at close eporting period:	of this	\$
		olete and file with this form Rule 7.12—Form 6: Inventory of cted Person's assets at the close of this reporting period.	of Assets of Protected	Person detailing
5.	Cons	servatorship income and expenditures		
		Bank statements, checks, receipts, stubs, and other items evilable to the court on demand.	videncing receipt of fi	unds and payment must
	A. To	otal funds on hand at close of prior reporting	period:	\$
	B. In	come received during reporting period:		
		How often was income received? V = Weekly B = Bi-weekly (every other week) M = Monthly	yT = Two times a mo	nth
		!		come
	li	ncome sources for Protected Person	How often received?* W,B,M,T	Amount
	(1) Wages from employer		
		Employer name:		\$
		Job title:		1.T.

Rule 7.12—Form 7: Conservator's Annual Report, continued

(2) Wages from employer Employer name: Job title:	\$
(3) Unemployment assistance	\$
(4) Family Investment Program	\$
(5) Social Security	\$
(6) Other <i>Identify:</i>	\$
(7) Other <i>Identify:</i>	\$
(8) Other Identify:	\$
(9) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's income sources.	\$
Total Income received for Protected Person during reporting period	\$

C. Debts and liabilities paid during reporting period:

*How often were debts and liabilities paid? $W = Weekly \ B = Bi$ -weekly (every other week) M = Monthly T = Two times a month

Debts and liabilities of Protected Person	Debts and liabilities	
	How often paid?* W,B,M,T	Amount
(1) Mortgage		\$
(2) Car loan payments		\$
(3) Credit card debt		\$
(4) Other Identify:		\$
(5) Other <i>Identify:</i>		\$
(6) Other Identify:		\$
(7) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's debts and liabilities.		\$
Total Debts and liabilities paid for Protected Person during reporting period		\$

Rule 7.12—Form 7: Conservator's Annual Report, continued

D. Expenditures during reporting period:

Type of expense	Amount Check one ☐ monthly ☐ annual
(1) House payment or rent	\$
(2) Food At home and restaurants	\$
(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$
(4) Clothing	\$
(5) Medical, dental Not health insurance payments – see (10).	\$
(6) Utilities (gas, electric, water)	\$
(7) Phone	\$
(8) Cable / satellite television / internet	\$
(9) Car insurance payment	\$
(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$
(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$

Rule 7.12-Form 7: Conservator's Annual Report, continued

(19) Other expense Identify:	\$
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total Total expenditures during reporting period	\$

Total funds on hand	at the close of this reporting period:	\$
---------------------------------------	--	----

6. Conservatorship services and fees

Did Conservator charge fees for services provided to Protected Person during the reporting period?
☐ Yes ☐ No
If you checked Yes, complete the next section, otherwise skip to 7.

List each service for which Conservator charged fees as well as the total amount

charged for the service during the reporting period.

Conservatorship service	Amount charged during reporting
(1)	\$
(2)	\$
(3)	\$
(4)	\$
(5) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding conservatorship services.	\$
Total amount of fees Conservator charged for services during reporting period:	\$

7. Annual budget for next reporting period

A. Income sources

Estimate the amount of each source of income Protected Person will receive during the next reporting period.

*How often is income received?

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

	In	icome
Income sources for Protected Person	How often received?* W,B,M,T	Amount
(1) Wages from employer		
Employer name:		\$
Job title:		122
(2) Wages from employer		
Employer name:		\$
Job title:		300
(3) Unemployment assistance		\$
(4) Family Investment Program		\$
(5) Social Security		\$
(6) Other Identify:		\$
(7) Other		
Identify:		\$
(8) Other Identify:		\$
(9) Totals from attached sheets, if any		\$
Check this box if you have attached a sheet with additional information on Protected Person's income sources.		Ψ.
Total Total estimated income for Protected Person during the next reporting period		\$

B. Debts and liabilities

Estimate the amount of each debt or liability Protected Person will pay during the next reporting period.

*How often are debts and liabilities paid? $W = Weekly \ B = Bi$ -weekly (every other week) M = Monthly T = Two times a month

	Debts a	nd liabilities
Debts and liabilities of Protected Person	How often paid?* W,B,M,T	Amount
(1) Mortgage		\$
(2) Car loan payments		\$
(3) Credit card debt		\$
(4) Other Identify:		\$
(5) Other Identify:		\$
(6) Other Identify:		\$
(7) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's debts and liabilities.		\$
Total Total estimated debts and liabilities for Protected Person during the next reporting period		\$
Yes □ No 'you checked Yes, complete the next section.		*
Debt:		
Description of jointly owed debt or liability a. Person jointly liable:		
Full name: first, middle, last		
b. Above person's relationship to Protecte		
c. Payment amount (if any):		e relationship
d. Source of payments (if any):	amount and how ofter es of payment for debi	-
Continued on next p	age	

Rule 7.12—Form	7: Conservator's Annual Report, continued					
Debt:	Description of jointly owed debt or liability					
20	-0.3 of 200-200 200 of M					
a.	Person jointly liable:					
	Full name: first, middle, last					
b.	Above person's relationship to Protected Person:					
	Describe relationship					
C.	Payment amount (if any):					
а						
a.	Source of payments (if any):					
Debt:						
	Description of jointly owed debt or liability					
a.	Person jointly liable:					
	Full name: first, middle, last					
b.	Above person's relationship to Protected Person: Describe relationship					
C	SOL CONSTRUCTION OF THE SOLUTION OF THE SOLUTI					
v.	Payment amount (if any): Identify payment amount and how often it is paid					
d.	Source of payments (if any):					
	Identify sources of payment for debt or liability					
Chec	ck this box if you have attached a sheet with additional debts or liabilities.					
Are ar	ny of the listed debts or liabilities owed by Protected Person to Conservator?					
□Yes	s □ No					
If you c	hecked Yes, complete the next section.					
Debt:						
	Description of debt or liability owed by Protected Person to Conservator					
a.	Amount: \$ Total amount of debt or liability					
b.	Current balance: \$					
	Current balance owed					
C.	Source of payments (if any):					

ebt:	Description of debt or liability owed by Protected Person to Conservator
a.	Amount: \$ Total amount of debt or liability
b.	Current balance: \$
C.	Source of payments (if any):

C. Monthly or annual budget

Rule 7.12—Form 7: Conservator's Annual Report, continued

Complete a monthly or annual budget for Protected Person during the next reporting period.

Type of expense	Amount estimated Check one ☐ monthly ☐ annual
(1) House payment or rent	\$
(2) Food At home and restaurants	\$
(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$
(4) Clothing	\$
(5) Medical, dental Not health insurance payments – see (10).	\$
(6) Utilities (gas, electric, water)	\$
(7) Phone	\$
(8) Cable / satellite television / internet	\$
(9) Car insurance payment	\$
(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$

Rule	7.	12-	Form	7:	Conservator	's Annua	Report.	continued
------	----	-----	------	----	-------------	----------	---------	-----------

(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$
(19) Other expense Identify:	\$
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total Total monthly or annual budgeted expenditures for next reporting period	\$

8. Changes in Conservator's Initial Plan or Amended Plan

ere changes made in investments during this reporting period?
]Yes □No
Yes, identify each investment and the changes made during the reporting eriod:
Check this box if you have attached a sheet with additional information.

D	id the conservatorship receive any new assets during the reporting period?
Γ]Yes □No
	Yes, identify each new asset and its estimated value and describe onservator's plan for management of the asset:
N	ew Asset (1)
Α	Sset:
E	stimated value: \$
Р	lan for management of this asset:
54.	
0	
Ē	Check this box if you have attached a sheet with additional information.
	· ·
N	ew Asset (2)
N	· ·
N A	ew Asset (2) sset:
N A	ew Asset (2) sset: Description of asset stimated value: \$
N A	ew Asset (2) sset: Description of asset
N A	ew Asset (2) sset: Description of asset stimated value: \$
N A	ew Asset (2) sset: Description of asset stimated value: \$
N A	ew Asset (2) sset: Description of asset stimated value: \$
N A	ew Asset (2) sset: Description of asset stimated value: \$

 \square Check this box if you have attached a sheet with additional assets.

	Are any modifications necessary for management of existing assets?
	Significant modifications cannot be requested with this Annual Report. Significant modifications require Conservator to file an Amended Plan using Rule 7.12—Form 5: Conservator's Initial Plan or Amended Plan.
I	□Yes □No
	If Yes, identify each existing asset and describe the modification necessary for management of the asset:
17	Asset (1)
9	Asset:
	Description of asset
	Plan for management of this asset:
25	
2.5	
	☐ Check this box if you have attached a sheet with additional information.
	Check this box if you have attached a sheet with additional information.
	Check this box if you have attached a sheet with additional information. Asset (2)
	Asset (2)
0.1	Asset (2) Asset: Description of asset
0.1	Asset (2) Asset:
a	Asset (2) Asset:_ Description of asset
84	Asset (2) Asset:_ Description of asset
0.1	Asset (2) Asset:_ Description of asset
0.1	Asset (2) Asset:_ Description of asset
a	Asset (2) Asset: Description of asset

D. Are any other modifications to Conservator's Initial Plan or Amended Plan

Note: Significant modifications cannot be requested with this Annual Report. Significant modifications require Conservator to file an Amended Plan using Rule 7.12—Form 5: Conservator's Initial Plan

Rule 7.12—Form 7: Conservator's Annual Report, continued

or Amended Plan.

necessary?

П	Yes □ No							
	Yes, describe what m	odifications are nec	essary and w	hy:				
: -								
¥2								
£								
() <u>e</u>								
<u> </u>								
	Check this box if you have a	ttached a sheet with addit	ional informatior	1.				
Cons	ervator's bond See Io	wa Code sections 633.169	<i>∟.187</i> .					
Is the	re a bond for Conserv	ator?						
☐ Ye	s							
If `	Yes, complete the next (1)	and (2).						
(1	(1) Amount of Conservator's bond: \$							
(2) Surety's information	:						
	Section 2010 Annual Control of the C							
	Surety's name							
	Mailing address							
	City		State	ZIP code				
	()							
	Phone number							
	Email address		Additional ema	il address, if applicable				
		Continued on nex	t page					
ecember 2	2019	Rule 7.12—Form	7	Page 15 of 18				

Rule 7.12	2—Form 7: Conservator's Annual Report, continued
	No
	If No, explain why:
	Check this box if you have attached a sheet with additional information.
10.Ad	ditional information
	ditional information that may be useful for the court to determine what is in otected Person's best interest:
*	
-	
-	
	Check this box if you have attached a sheet with additional information.
	quest for approval of proposed budget and general conservatorship powers
	nservator requests that the court approve the following: Check only those that apply.
	Conservator's proposed budget for Protected Person for the next reporting period.
	Authority to apply for and receive Protected Person's income during the next reporting period (see 7(A)).
	Authority to use conservatorship income and assets for payment of debts and liabilities during the next reporting period (see 7 (B)).
	Authority to use conservatorship income and assets for payment of expenses in accordance with the proposed monthly or annual budget for the next reporting period (see 7(C)).
	Authority to manage Protected Person's assets in accordance with the proposed asset management plan (see $8(B)$ and $8(C)$).
	Continued on next page

☐ Authority to use conservatorship income and assets for payment of attorney fees

	and other professional fees related to administration of the conservatorship.					
	P	uthority to use conservatorship income erson's miscellaneous expenses not to rther order of the court.				
	Pı	uthority to file Protected Person's fede rotected Person's income taxes and lo come and assets.				
		If additional conservatorship powers are necessar Request for Approval for Other Action on Behalf o		2—Form 3: Conservator's		
12	.Fees Check	for Conservator one				
	☐ Fe	es are applied for. Attach affidavit relative t	to compensation (Iowa Code	section 633.202).		
	□Fe	es are waived.				
13	.Fees Check	for Conservator's attorney				
		es should be set by the court. Attach affition 633.202).	îdavit relative to compensati	on (Iowa Code		
	☐ Fe	es are not requested.				
	□Fe	es are waived or not applicable.				
14	. Attor	ney Help Check one				
	A. 🗆	An attorney did not help me prepare	or fill in this paper.			
	В. 🗆	An attorney helped me prepare or fil	I in this paper.			
		If you check B, you must fill in the following in	formation:			
		Name of attorney or organization, if any				
		Business address of attorney or organization				
		City	State	ZIP code		
		() Phone number	Fax number			
		1 none number	r ax number			
		Email address	Additional email address,	if applicable		
		Continued on	next page			

15. Oath and signature

I,, have read this Annual Report, and I certify under Print Conservator's name penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Annual Report is believed to be complete and accurate as far as information permits.					
Month	Day	, 20 <u></u> <u>Year</u>	Signature*		
Name of financ	ial institution, if	applicable	<u>.</u>	Conservator's title,	if applicable
Mailing addres	s				
City () Phone number			×	State	ZIP code
Email address			19	Additional email add	dress, if applicable

Rule 7.12—Form 8: Conservator's Final Report

- Conservators must complete, sign, and file this form:
 - Within thirty (30) days following removal of Conservator.
 - Upon Conservator's filing of a resignation and before the court accepts the resignation.
 - Within sixty (60) days following the termination of conservatorship.
- Once filed, Conservator must serve a copy of this Final Report on Protected Person, Protected Person's attorney and court advisor, if any, and others as the court directs.
- Do not include protected information on this form. For protected information, complete Rule 7.12—Form 1: Protected Information Disclosure.
- The purpose of this Final Report is to provide the court with the current financial situation of the conservatorship and an accounting of important transactions that occurred during the reporting period.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change

In the Iowa District Court fo	orCounty
In the Matter of the Conservatorship of:	Probate no
Full name: first, middle, last If the protected person is a minor, use initials only. Protected Person.	Conservator's Final Report
Conservator states as follows:	Iowa Code § 633.670(3)
1. Reporting period	
This report is for the period from:	
2. Conservator's information	
A. Conservator's name:	
Name of Conservator or financial institution	
B. Conservator is Protected Person's: Check one	
☐ Spouse	
☐ Adult child	
☐ Parent	
☐ Adult sibling	
☐ Financial institution	
Other:	
Continued (on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Administration/Directories/ADA Access/). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

ა.		pe of report
		Report filed within thirty (30) days following removal of Conservator.
		Report filed with Conservator's filing of a resignation and before the court's acceptance of the resignation.
		Report filed within sixty (60) days following termination of the conservatorship.
		Other. Explain
		<u></u>
		Check this box if you have attached a sheet with additional information.
4.	Sta	atus of the conservatorship
	Ide	entify status of the conservatorship at close of this reporting period. Check one
		The conservatorship has been or should be terminated because Protected Person was a minor who is no longer a minor and no longer benefits from a conservatorship.
		The conservatorship has been or should be terminated because Protected Person is deceased.
		The conservatorship will continue but a different conservator has been or will be appointed.
		Other. Explain
		Check this box if you have attached a sheet with additional information.
		Continued on next page

	Protected Person's information If Protected Person is deceased, fill out only sections F and G.						
Α.	. Protected Person's age:						
В.	. Reason for conservatorship:						
	()						
	Check this box if you have attached a sk	neet with additional information	<u>.</u>				
C.	Protected Person's residence:	•					
	Mailing address						
		* *					
	City	State	ZIP code				
D.	. Guardianship: Check one						
	☐ Protected Person has a natur	ave a guardian or guard ral guardian (legal parer	SECULAR SECU				
		ral guardian (legal parer	3.517				
	☐ Protected Person has a nature	ral guardian (legal parer	3.517				
	Protected Person has a natural pull name of natural guardian: first, n	ral guardian (legal parer	3.517				
	Protected Person has a natural Full name of natural guardian: first, m	ral guardian (legal paren	nt):				
	☐ Protected Person has a natural Full name of natural guardian: first, n Mailing address City ()	ral guardian (legal paren	nt):				
	Protected Person has a natural Full name of natural guardian: first, note that Mailing address City (ral guardian (legal paren niddle, last State Additional emai	ZIP code				
	Protected Person has a natural Full name of natural guardian: first, no Mailing address City () Phone number Email address	ral guardian (legal paren niddle, last State Additional emai	ZIP code				
	☐ Protected Person has a natural Full name of natural guardian: first, in Mailing address City () Phone number Email address ☐ Protected Person has a court	ral guardian (legal paren niddle, last State Additional emai	ZIP code				
	☐ Protected Person has a natural Full name of natural guardian: first, m Mailing address City () Phone number Email address ☐ Protected Person has a court Full name of court-appointed guardian	ral guardian (legal paren niddle, last State Additional emai	ZIP code				
	☐ Protected Person has a natural Full name of natural guardian: first, note that Mailing address ☐ City ☐ Phone number ☐ Email address ☐ Protected Person has a court Full name of court-appointed guardian Mailing address	ral guardian (legal paren niddle, last State Additional emai t-appointed guardian: n: first, middle, last	ZIP code				

Rule 7.12—Form 8: Conservator's Final Report, continued

E. Does Protected Person have a valid Durable Financial Power of Attorney?

\[
\textstyle \text{Yes File a copy of the power of attorney as an attachment to this form.}

\[
\text{No}
\]

F. Does Protected Person have a Last Will and Testament?

	— : : : : : : : : : : : : : : : : : : :		21		
	□ No				
F.	Does Protected Person have a Last Will and Testament?				
	☐ Yes ☐ No				
	If you checked Yes, complete the next sec	ction.			
	Has the original Last Will and Te	estament been filed w	ith the clerk of court?		
	☐ Yes, in	_ County,			
	☐ No, the following person has	a copy of the Last Wil	l and Testament:		
	Full name: first, middle, last/business	· manua			
	Full name: first, middle, tast/ business	name			
	Mailing address				
	City	State	ZIP code		
	()				
	Phone number				
	Email address	Additional email	address, if applicable		
G.	Does Protected Person have a prepaid funeral plan or trust?				
	☐ Yes File a copy of the contract plan or tru	ist as an attachment to this fo	orm.		
	□No				
Н.	Protected Person's health during re	porting period			
(1) Summarize Protected Person's physical health during the reporting period identifying any physical concerns that occurred and if the concern is reso or ongoing:					
	Check this box if you have attached a s	heet with additional informa	tion		

(2) Summarize Protected Person's mental health during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred and if the concern is resolved or ongoing:

| Check this box if you have attached a sheet with additional information.

(3) Summarize any other health care concerns related to Protected Person that occurred during the reporting period and if the concern is resolved or ongoing:

6. Conservatorship assets

Α.	Total value of conservatorship assets at close of prior	
	reporting period:	\$

B.	Did the	conservatorship	receive any	new assets	during the	reporting per	riod?
----	---------	-----------------	-------------	------------	------------	---------------	-------

Check this box if you have attached a sheet with additional information.

☐ Yes ☐ No

If Yes, identify each new asset and its estimated value.

Asset (1)	
Asset:	
Description of asset	
Estimated value: \$	

Asset (2)	
Asset:	
Description of asset	
Estimated value: \$	

7.

Rule 7.12—Form 8: Conservator's Final Report, continued

Asset (3)	
Asset:	9
Description of asset	
Estimated value: \$	
Check this box if you have attached a sheet with additional assets.	
C. Total value of conservatorship assets at close of this reporting period:	\$
Complete and file with this form Rule 7.12—Form 6: Inventory of Assets of Protected Person's assets at the close of this reporting period.	ected Person detailing
Conservatorship income and expenditures	
Note: Bank statements, checks, receipts, stubs, and other items evidencing receipt be available to the court on demand.	t of funds and payment must
A. Total funds on hand at close of prior reporting period:	\$
B. Income received during reporting period:	
*How often was income received?	

*How often was income received? W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

	Income		
Income sources for Protected Person	How often received?* W,B,M,T	Amount	
(1) Wages from employer			
Employer name:		\$	
Job title:			
(2) Wages from employer			
Employer name:		\$	
Job title:			
(3) Unemployment assistance		\$	
(4) Family Investment Program		\$	
(5) Social Security		\$	
(6) Other Identify:		\$	
(7) Other Identify:		\$	

(8) Other <i>Identify:</i>	\$
(9) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's income sources.	\$
Total Income received for Protected Person during reporting period	\$

C. Debts and liabilities paid during reporting period:

*How often were debts and liabilities paid? $W = Weekly \ B = Bi\text{-weekly (every other week)} \ M = Monthly \ T = Two \ times \ a \ month$

	Debts and liabilities		
Debts and liabilities of Protected Person	How often paid?* W,B,M,T	Amount	
(1) Mortgage		\$	
(2) Car loan payments		\$	
(3) Credit card debt		\$	
(4) Other Identify:		\$	
(5) Other Identify:		\$	
(6) Other Identify:		\$	
(7) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Protected Person's debts and liabilities.		\$	
Total Debts and liabilities paid for Protected Person during reporting period		\$	

D. Expenditures during reporting period:

Type of expense	Amount Check one ☐ monthly ☐ annual
(1) House payment or rent	\$
(2) Food At home and restaurants	\$
(3) Transportation (gas, bus fare) Not car loan payments – see (14).	\$

Rule 7.12—Form 8: Conservator's Final Report, continued

(4) Clothing	\$
(5) Medical, dental Not health insurance payments – see (10).	\$
(6) Utilities (gas, electric, water)	\$
(7) Phone	\$
(8) Cable / satellite television / internet	\$
(9) Car insurance payment	\$
(10) Health insurance payment	\$
(11) Transportation	\$
(12) Educational or vocational training expenses	\$
(13) Credit card payments	\$
(14) Car loan payments	\$
(15) Other loan payments	\$
(16) Other expense Identify:	\$
(17) Other expense Identify:	\$
(18) Other expense Identify:	\$
(19) Other expense Identify:	\$
(20) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total Total expenditures during reporting period	\$

E. Total funds on hand at the close of this reporting period:

\$		

8.	Conservatorship services and fees					
	Did Conservator charge fees for services provided to Protected Person during the reporting period?					
	☐ Yes ☐ No					
	If you checked Yes, complete the next section, otherwise skip to 9 .					
	List each service for which Conservator charged fees as w charged for the service during the reporting period.	ell as the total amount				
	Conservatorship service	Amount charged during reporting				
	(1)	\$				
	(2)	\$				
	(3)	\$				
	(4)	\$				
	(5) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding conservatorship services.					
	Total amount of fees Conservator charged for services during reporting period:					
9.	 9. Changes in investments Were changes made in investments during this reporting period? ☐ Yes ☐ No If Yes, identify each investment and the changes made during the reporting period: 					
	Check this box if you have attached a sheet with additional information.					
	Continued on next page					
-		28 20 20				

Proposed plan for conservatorship's assets upon termination of conservatorship Complete this section if the conservatorship has been or should be terminated.
How will the conservatorship's assets be distributed upon termination of conservatorship?
☐ Conservatorship assets will be transferred to Protected Person.
☐ Conservatorship assets will be transferred into an estate.
☐ Conservatorship assets will be transferred as follows:
Asset (1) Asset: Description of asset Estimated value: \$
Person or entity the asset will be transferred to:
Full name of person or name or entity Relationship to Protected Person (if a person): Describe relationship
Asset (2) Asset: Description of asset Estimated value: \$
Person or entity the asset will be transferred to:
Full name of person or name or entity Relationship to Protected Person (if a person): Describe relationship
Check this box if you have attached a sheet with additional assets.
Continued on next page

Conservator's bond See Iowa Code section	ons 633.169–.187.	
Is there a bond for Conservator?		
□Yes		
If Yes, complete the next (1) and (2).		
(1) Amount of Conservator's bond:	\$	<u> </u> .
(2) Surety's information:		
X		
Surety's name		
Mailing address		
City	State	ZIP code
()_)(E)	
Phone number	- si	
Email address	Additional emo	ail address, if applicable
□No		
;		
Check this box if you have attached a shee	t with additional informatio	n.
Additional information		
Additional information that may be use Protected Person's best interest:	eful for the court to de	etermine what is in
Protected Person's best interest.		
Check this box if you have attached a sheet wit	h additional information.	
	 ■ Part (1997) ■ Part	
Continue	ed on next page	

13. Request for approval of proposed budg	get and gener	ral conservatorship powers		
Conservator requests that the court: Check	only those that ap	ply		
 Approve Conservator's final accounting as detailed in this Final Report and the accompanying Inventory. 				
☐ Discharge Conservator from the conservator	rvatorship.			
☐ Terminate the conservatorship.				
☐ Cancel Conservator's bond and exone	rate the suret	y on Conservator's bond.		
☐ Approve Conservator's proposed plan	regarding the	conservatorship's assets.		
Note: If additional conservatorship powers are necessor Request for Approval for Other Action on Behal				
14. Fees for Conservator Check one				
☐ Fees are applied for. Attach affidavit relative	to compensation	Towa Code section 633.202).		
☐ Fees are waived.				
15. Fees for Conservator's attorney Check one				
Fees should be set by the court. Attach a section 633.202).	ffidavit relative to	compensation (Iowa Code		
☐ Fees are not requested.				
☐ Fees are waived or not applicable.				
16. Attorney Help Check one				
A. An attorney did not help me prepare	e or fill in this	paper.		
B. An attorney helped me prepare or f		r.		
If you check B, you must fill in the following is	nformation:			
Name of attorney or organization, if any				
Business address of attorney or organization				
City	State	ZIP code		
Phone number	- Fax number			
	_			
Email address	Additional ema	il address, if applicable		
Continued or	ı next page			

17. Oath and signature

	rjury and p d in this Fir	ursuant	to the laws	of the State	eport, and I certify under of Iowa that the information I plete and accurate as far as
Month		, 20 Year	Signature*		
Name of financial institution, if applicable		Conservator's title, if applicable			
Mailing address					
City () Phone number				State	ZIP code
Email address				Additional ema	il address, if applicable

CHAPTER 8 RULES OF JUVENILE PROCEDURE

DISCOVERY AND NOTICE OF DEFENSES

	DISCOVERTINE NOTICE OF PETENSES
Rule 8.1	Scope of discovery
Rule 8.2	Delinquency proceedings
Rule 8.3	Child in need of assistance and termination proceedings
	MOTION PRACTICE
Rule 8.4	General rule
Rule 8.5	Motions for continuance in all proceedings
	PRETRIAL CONFERENCES
Rule 8.6	Pretrial conferences discretionary
	SPEEDY HEARING
Rule 8.7	General rule
Rule 8.8	Delinquency
Rule 8.9	Motion to waive jurisdiction
Rule 8.10	Hearings regarding waiver
Rule 8.11	Child in need of assistance adjudicatory hearings
Rule 8.12	Temporary removal hearings
	DELINQUENCY PROCEEDINGS
Rule 8.13	Corroboration of accomplice or solicited person
Rule 8.14	Suppression of evidence
Rule 8.15	Multiple juvenile defendants
Rule 8.16	Evidence at detention, shelter care, and waiver hearings
Rule 8.17	Venue in delinquency cases where child has been placed in another judicial district
	CINA AND TERMINATION PROCEEDINGS
Rule 8.18	Child abuse reports
Rule 8.19	Admissibility of evidence at temporary removal hearings, hearings for
	removal of sexual offenders and physical abusers from the residence,
	and examination hearings
Rule 8.20	Motions to vacate an order for termination of parental rights
Rule 8.21	CINA and termination of parental rights orders, informational notice regarding appeal
	PROCEDURE FOR JUDICIAL WAIVER OF PARENTAL NOTIFICATION
Rule 8.22	General principles
Rule 8.22	Petition for waiver
Rule 8.23	Appointment of counsel
Rule 8.25	Appointment of counser Appointment of guardian ad litem
Rule 8.26	Advisory notice to minor
Rule 8.27	Scheduling
Rule 8.28	Notice of hearing
Rule 8.29	Burden of proof and standard of evidence
Rule 8.30	Record required
Rule 8.31	Order granting or denying petition
Rule 8.32	Confidentiality of documents and hearings
Rule 8.33	Juvenile Procedure Forms — General
	Form 1: Petition for Family in Need of Assistance
	Form 2: Order Setting Hearing, Appointing Counsel and Giving Notice (Family in Need of Assistance)

	Form 3:	Financial Affidavit of Parent and Application for		
		Appointment of Counsel for \square Child \square Parent \square Other		
	Form 3A:	Order for Appointment of Counsel for \square Child \square Parent		
	_	Other		
	Form 4:	Financial Affidavit of 600A Respondent and Application		
	F 4.4	for Appointment of Counsel		
	Form 4A:	Order for Appointment of Counsel for 600A Respondent		
	Form 5:	Financial Affidavit of Petitioner Under Iowa Code		
	Form 5A:	Chapter 600A		
	roilli 3A.	Order for Payment of Respondent's Court Appointed Attorney Fees and Costs		
Rule 8.34	Iuvenile Proce	edure Forms — Judicial Waiver of Parental Notification		
Rule 6.54	Form 1:	Petition for Waiver of Parental Notification of Minor's		
	TOIII 1.	Abortion		
	Form 2:	Declaration of Minor who has Filed Pseudonymous		
	1 01111 2.	Petition to Waive Parental Notification		
	Form 3:	Order Appointing Counsel for a Minor		
	Form 4:	Order Appointing a Guardian Ad Litem for a Minor		
	Form 5:	Advisory Notice to Minor		
	Form 6:	Order Setting Hearing on Petition for Waiver of Parental		
		Notification of Minor's Abortion		
	Form 7:	Findings of Fact, Conclusions of Law and Order		
	Form 8:	Certification that Waiver of Parental Notification is		
		Deemed Authorized		
	Form 9:	Notice of Appeal		
	EMANO	CIPATION OF MINORS		
Rule 8.35 Emancipation orders				
	PAREN	T REPRESENTATION		
Rule 8.36		equirements for court-appointed attorneys representing		
	parents			
MINOR GUARDIANSHIPS				
Rule 8.37	Juvenile Proce	edure Forms — Minor Guardianships		
	Form 1:	Protected Information Disclosure		
	Form 2:	Background Check Information for a Proposed Guardian of a Minor		
	Form 3:	Affidavit of Parental Consent		
	Form 4:	Guardian's Initial Care Plan for Protected Minor		
	Form 5:	Guardian's Annual Report for Protected Minor		
	Form 6:	Guardian's Final Report for Protected Minor		
Rules 8.38 to 8.40	Reserved			
DECEDA	INT OF HISTORY	H EC DUDING COURT PROCEEDINGS		
KESTRA	INT OF JUVEN	ILES DURING COURT PROCEEDINGS		

Rule 8.41 Routine use of restraints prohibited

CHAPTER 8 RULES OF JUVENILE PROCEDURE

DISCOVERY AND NOTICE OF DEFENSES

Rule 8.1 Scope of discovery. In order to provide adequate information for informed decision making and to expedite trials, minimize surprise, afford opportunity for effective cross-examination and meet the requirements of due process, discovery prior to trial and other judicial hearings should be as full and free as possible consistent with protection of persons and effectuation of the goals of the juvenile justice system.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.2 Delinquency proceedings.

- **8.2(1)** Access to records. Upon the request of counsel for a juvenile who has been referred for intake screening on a delinquency complaint, the state shall give the juvenile's counsel access to all documents, reports and records within or which come within its possession or control that concern the juvenile or the alleged offense.
- **8.2(2)** Informal discovery sufficient. Although informal discovery methods are preferred, upon good cause shown, depositions and interrogatories by any party may be permitted by the court in delinquency proceedings except where they conflict with these rules or with statutes. Ordinarily, however, depositions and interrogatories shall not be permitted for issues arising under Iowa Code section 232.45(6)(b) after filing of a motion to waive jurisdiction.
- **8.2(3)** Affirmative defenses. If a juvenile alleged to have committed a delinquent act intends to rely upon the affirmative defenses of insanity, diminished responsibility, intoxication, entrapment, or self-defense [justification], the juvenile shall file written notice of the intention not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.
- **8.2(4)** State's right to expert examination. Where a juvenile has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial, the juvenile shall, within the time provided for the filing of pretrial motions, file written notice of the name of such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the juvenile by a state-named expert or experts whose names shall be disclosed to the juvenile prior to examination.
- **8.2(5)** Notice of alibi. If a juvenile alleged to have committed a delinquent act intends to offer an alibi defense, the juvenile shall file written notice of such intention not later than the time set by the court for the filing of pretrial motions or at such later time as the court directs. The notice of alibi defense shall state the specific place or places the juvenile claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the juvenile intends to rely to establish such alibi. In the event that a juvenile shall file such notice the prosecuting attorney shall file written notice of the names and addresses of the witnesses the state proposes to offer in rebuttal to discredit the alibi. Such notice shall be filed within ten days after the filing of the juvenile's witness list, or within such other time as the court may direct.
- **8.2(6)** Failure to comply. If either party fails to abide with the notice requirements of rule 8.2(3), 8.2(4), or 8.2(5), such party may not offer evidence on the issue of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a juvenile to give evidence of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense in his or her own testimony is not limited by this rule.
- **8.2(7)** *Multiple offenses*. Two or more delinquent acts which arise from the same transaction or occurrence or from two or more transactions or occurrences constituting parts of a common scheme or plan, when alleged and prosecuted contemporaneously, shall be alleged and prosecuted as separate counts in a single delinquency petition unless, for good cause shown, the juvenile court in its discretion determines otherwise.
- **8.2(8)** Separate petition(s). In cases not subject to rule 8.2(7), a separate delinquency petition shall be filed for each delinquent act.

[Report February 21, 1985, effective July 1, 1985; April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.3 Child in need of assistance and termination proceedings. Although informal discovery methods are preferred, Iowa R. Civ. P. divisions V and VII, governing discovery, depositions and perpetuation of testimony, shall apply to proceedings under Iowa Code chapter 232, divisions III and IV, where not otherwise inconsistent with these rules or applicable statutes.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

MOTION PRACTICE

Rule 8.4 General rule. Any motion filed with the juvenile court shall be promptly brought to the attention of the judge or referee by the moving party. [Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.5 Motions for continuance in all proceedings. A motion for continuance shall not be granted except for good cause. Any order granting a continuance shall state the grounds therefor. [Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

PRETRIAL CONFERENCES

Rule 8.6 Pretrial conferences discretionary. In all actions the juvenile court may in its discretion order all parties to the action to appear for a pretrial conference to consider such matters as will promote a fair and expeditious trial.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

SPEEDY HEARING

Rule 8.7 General rule. It is the public policy of the state of Iowa that proceedings involving delinquency or child in need of assistance be concluded at the earliest possible time consistent with a fair hearing to all parties.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

- **Rule 8.8 Delinquency.** If a child against whom a delinquency petition has been filed has not waived the right to a speedy adjudicatory hearing, the hearing must be held within 60 days after the petition is filed or the court shall order the petition dismissed unless good cause to the contrary is shown.
 - **8.8(1)** Entry of a consent decree shall be deemed a waiver of the child's right to a speedy hearing.
- **8.8(2)** The provisions contained herein shall be applicable notwithstanding a motion or hearing to waive jurisdiction pursuant to rule 8.9 or 8.10.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.9 Motion to waive jurisdiction. A motion under Iowa Code section 232.45 must be filed within ten days of the filing of the petition.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.10 Hearings regarding waiver. A hearing on a motion to waive jurisdiction filed pursuant to Iowa Code section 232.45 shall be held within 30 days of the filing of said motion unless good cause to the contrary is shown.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.11 Child in need of assistance adjudicatory hearings. The adjudicatory hearing on a child in need of assistance petition shall be held within 60 days of the filing of said petition unless good cause to the contrary is shown. Failure to comply with this rule shall not result in automatic dismissal, but any such failure may be urged as grounds for discretionary dismissal.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.12 Temporary removal hearings. Whenever a child has been removed pursuant to Iowa Code section 232.78 or 232.79, a hearing under Iowa Code section 232.95 shall be held within ten days of such removal.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

DELINQUENCY PROCEEDINGS

Rule 8.13 Corroboration of accomplice or solicited person. An adjudication of delinquency shall not be entered against a juvenile based upon the testimony of an accomplice or a solicited person unless corroborated by other evidence which tends to connect the juvenile with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof. Corroboration of the testimony of victims shall not be required. [Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.14 Suppression of evidence. Motions to suppress evidence shall be raised by motion of the juvenile specifying the ground upon which the juvenile claims the search and seizure to be unlawful. Motions to suppress evidence shall be filed not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.15 Multiple juvenile defendants. Two or more juveniles may be tried jointly if in the discretion of the court a joint trial will not result in prejudice to one or more of the parties. Otherwise, the juvenile defendants shall be tried separately. When tried jointly, the juvenile defendants shall be adjudged separately on each count.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.16 Evidence at detention, shelter care, and waiver hearings. The probable cause finding made at a shelter or detention hearing under Iowa Code section 232.44 and at waiver of jurisdiction hearings under Iowa Code section 232.45 shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. The juvenile defendant may cross-examine witnesses and may introduce evidence in his or her own behalf. [Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.17 Venue in delinquency cases where child has been placed in another judicial district. Where a juvenile has been placed in another judicial district and is alleged to have committed a delinquent act or acts during such placement, venue, for the purpose of conducting the adjudicatory hearing, shall be in the judicial district where the delinquent act or acts are alleged to have occurred. However, the juvenile court which originally placed the juvenile shall have the option of requesting that venue be transferred to it for the purpose of conducting the adjudicatory proceedings. If the juvenile is adjudicated of committing a delinquent act or acts in the judicial district of the juvenile's placement, venue of the matter shall be transferred to the juvenile court which previously placed the child pursuant to the original dispositional order for the purpose of conducting any dispositional and subsequent review hearings.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

CINA AND TERMINATION PROCEEDINGS

Rule 8.18 Child abuse reports. The juvenile court shall retain founded child protective assessment reports for ten years. Notwithstanding the foregoing, when notified by the Department of Human Services that the report shall be expunged, the juvenile court shall destroy the report pursuant to Iowa Code section 235A.18. The juvenile court shall retain all other child protective assessment reports for five years from the date of intake at which time the clerk shall destroy the reports. Notwithstanding the foregoing, child protective assessment reports which are received into evidence in a juvenile proceeding shall be retained for so long as the case file is retained and shall not be destroyed pursuant to this rule.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.19 Admissibility of evidence at temporary removal hearings, hearings for removal of sexual offenders and physical abusers from the residence, and examination hearings. The finding of imminent risk of harm allowing for the temporary removal of a child from his or her

parent, guardian or custodian under Iowa Code section 232.95, the finding that probable cause exists to believe that a sexual or physical abuse has occurred and that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional or mental health under Iowa Code section 232.82, and the finding that probable cause exists to believe a child is a child in need of assistance pursuant to section 232.2(6)(e) or (f) for purposes of establishing grounds for examination of the child pursuant to Iowa Code section 232.98 shall be made by substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.20 Motions to vacate an order for termination of parental rights. Any request by a biological or putative parent to vacate an order terminating parental rights pursuant to Iowa Code chapter 600A must be filed within 30 days from the entry of said order. The 30-day period for filing a motion to vacate such order shall not be waived or extended.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.21 CINA and termination of parental rights orders, informational notice regarding appeal. If a court enters an order in an Iowa Code chapter 232 CINA, termination of parental rights, or post-termination proceeding, the order shall contain a written notice that an appeal by an aggrieved party must be taken pursuant to Iowa R. App. P. 6.101(1)(a), the notice of appeal must be filed within 15 days of the entry of the order, and a petition on appeal must be filed within 15 days thereafter. The absence of such language from an order will not affect the time for filing a notice of appeal or a petition on appeal.

[Report August 31, 2001, effective January 1, 2002; November 9, 2001, effective February 15, 2002; April 21, 2003, effective July 1, 2003; October 31, 2008, effective January 1, 2009]

PROCEDURE FOR JUDICIAL WAIVER OF PARENTAL NOTIFICATION

Rule 8.22 General principles.

- **8.22(1)** These rules shall be interpreted to provide expeditious and confidential proceedings in accordance with Iowa Code chapter 135L.
- **8.22(2)** All references in these rules to the clerk shall mean the clerk of the district court and shall include the clerk's designee.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.23 Petition for waiver.

- **8.23(1)** Form. A minor who seeks waiver of parental notification prior to obtaining an abortion shall petition the court in a manner substantially complying with the form that accompanies these rules. This form, along with other forms that accompany these rules for use in waiver proceedings, shall be available at the offices of all clerks of court. All petitions shall state the manner by which the minor desires to receive notification of the court's decision and whether a similar petition has previously been presented to and refused by any court.
 - **8.23(2)** Assistance. The clerk shall assist the minor in completing and filing the petition.
- **8.23(3)** Filing. A petition is filed for the purposes of these rules when it is date and time stamped in the clerk's office. The clerk shall present the petition to the court immediately upon filing.
- **8.23(4)** Anonymity and confidentiality. The minor may file a petition using a pseudonym and the petition shall not contain any information, such as social security number, address, or name of parents, by which the minor may be identified. A sworn statement containing the case number, and the minor's true name, date of birth, and address shall be filed simultaneously with the pseudonymous petition. The clerk of court shall issue to the minor a certified copy of the sworn statement, which shall identify her to the provider of abortion services as the minor for whom a petition to waive notification was granted or denied. The clerk shall then place the original sworn statement under seal. Notwithstanding

any other provision of Iowa law or these rules, the seal on the statement containing the minor's true name may not be broken except upon court order in exigent circumstances or at the minor's request. [Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.24 Appointment of counsel. The clerk shall inform the minor that she has a right to a court-appointed attorney without cost to her. The court shall appoint an attorney for the minor upon her request. The attorney shall serve as counsel on appeal.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.25 Appointment of guardian ad litem. The court may appoint a guardian ad litem, and shall appoint a guardian ad litem if the minor is not accompanied by a responsible adult, as that term is defined in the statute, or has not viewed the video under Iowa Code section 135L.2.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.26 Advisory notice to minor.

- **8.26(1)** Upon the filing of any petition for waiver of parental notification, the clerk shall provide the minor a copy of the Advisory Notice to Minor form that accompanies these rules.
- **8.26(2)** The clerk shall document in the court file that a copy of the advisory notice has been provided to the minor.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.27 Scheduling. Immediately upon filing the petition, the clerk shall set or secure the date for the hearing and so advise the minor if she is present. Otherwise, notice of hearing shall follow the procedures of rule 8.28. The hearing shall be held within 48 hours of the filing of the petition unless the minor or her attorney requests an extension of time within which a hearing shall be held. If the request for extension of time is granted, the deadline for filing any decision on appeal shall be extended for a like period of time.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.28 Notice of hearing. If the court determines that a guardian ad litem and/or an attorney for the minor should be appointed in accordance with Iowa Code section 135L.3(3)(b), the clerk shall notify said person(s) as well as any other person(s) designated by the minor not less than eight hours before the time fixed for a hearing, unless there is a waiver of the notice requirement by said person(s), or the time is reduced or extended by the court. Service of notice may be by acceptance of service. The only notice provided to the minor shall be by the minor making inquiry of the clerk of court following the entry of the order scheduling the hearing. Notice shall be provided by the clerk only to the above-named person(s).

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.29 Burden of proof and standard of evidence. The minor shall have the burden of proving the allegations of her petition by a preponderance of the evidence.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.30 Record required. In accordance with Iowa Code section 624.9, and consistent with the confidentiality requirements of rule 8.32, stenographic notes or electronic recordings shall be taken of all hearings held pursuant to Iowa Code chapter 135L and said record shall not be waived. [Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.31 Order granting or denying petition.

8.31(1) Time for granting or denying waiver. An order either granting or denying waiver of parental notification with findings of fact and conclusions of law shall be filed immediately following

the hearing and in no event later than 48 hours from the filing of the petition or from the hearing if an extension is granted under rule 8.27.

- **8.31(2)** Procedure in default of hearing and order. If the court fails to hold the hearing and rule on the petition within the time provided by these rules, the petition is deemed granted and the waiver is deemed authorized. In the event the petition is deemed authorized, the clerk shall immediately issue the certification form that accompanies these rules to the minor or her attorney.
- **8.31(3)** Delivery of order or certification. The clerk shall deliver the order under rule 8.31(1), or the certification under rule 8.31(2), in the manner requested by the minor in the petition. The order or certification shall specify the person(s) to whom the clerk shall provide a copy. A copy shall be available to the minor at the clerk's office.
- **8.31(4)** *Notification of appeal rights.* If the petition is denied, the order shall include notice of the right to appeal to the Iowa supreme court, the time period within which appeal must be filed and a copy of the applicable rules of appellate procedure.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.32 Confidentiality of documents and hearings.

- **8.32(1)** Records. In accordance with Iowa Code chapter 135L and these rules, all records of parental notification proceedings are confidential. All confidential records shall be kept sealed and opened only as necessary for the conduct of proceedings for waiver of parental notification, an appeal of the district court decision, or as ordered by a court.
- **8.32(2)** Hearings. The hearing shall be held in a confidential manner, preferably in chambers. Only the minor, her attorney, her guardian ad litem, and the person(s) whose presence is specifically requested by the minor, her attorney, or her guardian ad litem may attend the hearing on the petition.
- **8.32(3)** *Purging of files.* The clerk shall destroy all records and files in the case when one year has elapsed from any of the following, as applicable:
- a. The date that the court issues an order waiving the notification requirement or the date the waiver is deemed authorized under rule 8.31(2).
- b. The date after which the court denies the petition for waiver of notification and the decision is not appealed.
- c. The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.33 Juvenile Procedure Forms — General. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated. Rule 8.33 — Form 1: *Petition for Family in Need of Assistance.*

IN THE IOWA DISTRICT COURT FOR JUVENILI	E COURT	COUNTY	
IN RE THE FAMILY OF	JUVENILE NC	i	
UPON THE PETITION OF			
A CHILD/CHILDREN or A PARENT, GUARDIAN or CUSTODIAN		TITION FOR EED OF ASSISTA	NCE
The petitioner respectfully states to the court that			
and are a fam are a fam are a fam sections 232.122 through 232.127, in that there has been a beetitioner states as follows:	ily in need of assistance	child/children] e within the purview al relationship. In su	of Iowa Code
Petitioner has sought services from			
The age(s) of the child/children is/are			
The names and residences of the living parents, guardian of			
The name and address of the guardian ad litem are			
WHEREFORE, the undersigned prays that the court set a for the child, order that notice be directed to all parties in integrate this family to be a family in need of assistance and make all relationship.	erest in a manner provid	ed by law, and upon h	nearing adjudi-
Oath and Signature			
I,	_, have read this Petitic	on, and I certify under	r penalty
Print your full name: first, middle, last of perjury and pursuant to the laws of the State of Iowa that and correct.	at the information I have	provided in this Peti	ition is true
Petitioner's signature*	Month		_, 20
remoner's signature	Month	Day	Year
Mailing address	City	State	ZIP code
() Email address		tional email address, if	applicable
2 norm manuers Eman address	Acai	ionas eman adaress, ij	apricure

SOURCE: Iowa Code §232.125, 232.126, 232.127; 8.33, Form 1.

[Report 1983; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 8.33 — Form 2: Order Setting Hearing, Appointing Counsel and Giving Notice (Family in Need of Assistance).

IN THE IOWA DISTRICT COURT FOR COUNTY JUVENILE COURT			
IN RE THE FAMILY OF ; UPON THE PETITION OF A CHILD/CHILDREN or A PARENT, GUARDIAN or CUSTODIAN	JUVENILE NOORDER SETTING HEARING, APPOINTING COUNSEL AND GIVING NOTICE (FAMILY IN NEED OF ASSISTANCE)		
To: You are hereby notified that there is presently on file in thi be a family in need of assistance; a copy of the petition is atta set for the time and place stated below. You are further notified that the court shall appoint counse at the adjudicatory hearing unless the child already has such for the parent, guardian, or custodian if that person desires You are further notified that if you wish to state your views to comply with any other reasonable orders designed to match the court having found that a hearing on this matter should be a county for the property of the property of the court having found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county found that a hearing on this matter should be a county for the property of the pro	s court a verified petition alleging the above-named family to ched. An adjudicatory hearing on the merits of the petition is a guardian ad litem to represent the interests of the child counsel or guardian and that the court shall appoint counsel but is financially unable to employ counsel. If you must appear or in your absence the court may order you intain and improve the familial relationship. If you have the court is the court of the court and improve the familial relationship. If you have the court is the court of the court at the court at the court at the court at the court in the city of the court at the court is the court at the court in the city of the court at the court is the court in the city of the court is the court in the city of the court is the court in the city of the court is the court in the city of the court is the court in the city of the court is the court in the city of the court in the city of the court is the court in the city of the court in the city of the court is the court in the city of the court in the city of the court is the court in the city of the court in the court in the city of the court in the court in the city of the court in the		
2. Thatrepresent the child,	ice of said hearing.		
Judg * Delete this paragraph if the child is already repre			
SOURCE: Iowa Code §232.126, 232.127; 8.33, Fe	•		

[Report 1983; November 9, 2001, effective February 15, 2002]

Rule 8.33 — Form 3: Financial Affidavit of Parent and Application for Appointment of Counsel for \square Child \square Parent \square Other.

In the Iowa District O	Court for	County (Juve	enile Division)	
	of Juvenile No		plication	
In support of my application for appoint	ment of counsel, and u	der penalty of p	perjury, the undersig	ned states:
Name:		Date of	f birth:	
Home phone: C				
Street address: Street/P.O. Box Case: □ CINA □ TPR □ Del □ Other: _				Zip
Do you have a job?	, full time 🛛 Yes, par	time (list hours	per week:	
Who do you work for?	***	- XX		
How much money do you currently make,	before taxes or deduction	s?	per 🗖 hour 🗖 mo	nth 🗆 year
How much money have you made in the la	st 12 months from any so	urce, before taxe	s or deductions?	
How many family members are supported	by or live with you?			
If a spouse lives with you, how much mone	ey does your spouse mak	e?1	per la hour la mor	nth 🛚 year
List all other money you, and anyone else l				
List what you own, including money in bar else worth more than \$100:				anything
List amounts you pay monthly for mortgag	ges, rent, car loans, credit	cards, child supp	oort, and any other deb	ots:
I understand I may be required to repay required to sign a wage assignment, a financial affidavit. I promise under per and that I am unable to pay for an attor	and I must report any nalty of perjury that th	changes in the	e information subm	itted on this

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 3A: Order for Appointment of Counsel for \square Child \square Parent \square Other.

	In the Iowa District Court for	County (Juvenile Division)
In the Interest of	of ,) Juvenile No.
		Order for Appointment Of Counsel for
Child(ren).	•)
	ent and Application for Appointment of the availability of any assets subject to	, the court having received and examined the Financial Counsel and having considered not only Child/Applicant's execution and the seriousness of the charge or nature of the
1. Child/A	Applicant:	
	Is eligible* for court-appointed counse	l pursuant to Iowa Code section 815.9 because:
	is unable to pay for the cost of a Child/Applicant's income is bet appointing counsel would cause Child/Applicant's Income is over	or below 125% of the poverty guidelines and Child/Applicant an attorney; or tween 125% and 200% of the poverty guidelines and not child/Applicant substantial financial hardship; or er 200% of the poverty guidelines, case is a felony-level grounsel would cause Child/Applicant substantial financial
	Is a child and is otherwise eligible for	court-appointed counsel under Iowa Code chapter 232.
	Is not eligible for court-appointed cour	nsel.
2. Counse	l/Guardian ad litem appointed below t	to represent Child/Applicant is:
	The local public defender office, nonposed Defender pursuant to Iowa Code section this county; or	rofit organization, or attorney designated by the State Public on 13B.4(2) to represent indigent persons in this type of case in
	other designee of the State Public Defe	e Public Defender, and any local public defender office or ender for this type of case in this county has been contacted and rawn from the case, or there is no designation for this type of attorney:
	of case and in this county; or Does not have such a contract, be this type of case in this county be this case; or	State Public Defender to represent indigent persons in this type out all attorneys with a contract to represent indigent persons in have been contacted and no such attorney is available to take out the State Public Defender has been consulted and consents
It is therefo	ore ordered that Child/Applicant's Appl	lication for Appointment of Counsel is
	Denied. Approved, and that counsel/guardian ad litem in this case at state expense and may be contacted	is appointed to serve as forat
Copy to:		Judge, Judicial District

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; November 8, 2012, effective January 7, 2013]

^{*} Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Rule 8.33 — Form 4: Financial Affidavit of 600A Respondent and Application for Appointment of Counsel.

I	n the Iowa District Court for	County (Juvenile Division)
		Juvenile No. Financial Affidavit of 600A Respondent and Application for Appointment of Counsel
In support of my ap	plication for appointment of counsel,	and under penalty of perjury, the undersigned states:
Respondent's name:		Date of birth:
Home phone:	Cell phone:	Email:
Street address:	Street/P.O. Box	Apt # City State Zip
Do you have a job?	☐ No job ☐ Yes, full time ☐ Y	res, part time (list hours per week:)
Who do you work for	?	
How much money do	you currently make, before taxes or de	eductions? per 🗅 hour 🗅 month 🗅 year
How much money ha	eve you made in the last 12 months from	n any source, before taxes or deductions?
How many family me	embers are supported by or live with yo	u?
If a spouse lives with	you, how much money does your spou	se make? per 🗖 hour 🗖 month 🗖 year
List all other money	you, and anyone else living in your hou	sehold, has coming in:
	ncluding money in banks, cars, trucks, o	other vehicles, land, houses, buildings, cash, or anything
List amounts you pay	monthly for mortgages, rent, car loans	, credit cards, child support, and any other debts:
required to sign a financial affidavit.	wage assignment, and I must repo	vattorney fees and costs and those of my child, I may be ort any changes in the information submitted on this that the statements I make in this application are true, me.
Date	Signat	ure

Rule 8.33 — Form 4A: Order for Appointment of Counsel for 600A Respondent.

	In the Iowa District Court for County (Juvenile Division)
) Juvenile No
having considere nature and comp	day of, 20, the court having received and examined the Financial condent and Application for Appointment of Counsel and having conducted an in-court colloquy and do not only Respondent's income, but also the availability of any assets subject to execution and the lexity of the case, finds the following:
1. Respon	Is eligible for court-appointed counsel pursuant to Iowa Code section 600A.6A because each of the
-	following criteria are met:
	Respondent requested appointment of counsel; and Respondent is indigent (at or below 100% of the poverty guidelines and Respondent is
	unable to pay for the cost of an attorney); and
	Respondent, because of lack of skill or education, would have difficulty in presenting the person's version of the facts in dispute, particularly where the presentation of the facts requires the examination or cross-examination of witnesses or the presentation of complex documentary evidence; and
	Respondent has a colorable defense to the termination of parental rights, or there are substantial reasons that make termination of parental rights inappropriate.
	Is not eligible for court-appointed counsel.
2. Counse	appointed below to represent Respondent:
	Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; or
0	Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; or
0	Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.
It is therefo	re ordered that Respondent's Application for Appointment of Counsel is
	Denied. Approved, and that is appointed to serve as counsel in this case for Respondent at state expense and may be contacted at
	Judge, Judicial District
Copy to:	

Rule 8.33 — Form 5: Financial Affidavit of Petitioner Under Iowa Code Chapter 600A.

In the Iowa District Court for	County (Juvenile Division)
In the Interest of , , , , , , , , , , , , , , , , , ,	Juvenile No. Financial Affidavit of Petitioner Under Iowa Code Chapter 600A
Petitioner's name:	Birth date:
Home phone: Cell phone:	Email:
Street address: Street/P.O. Box	Apt# City State Zip
Do you have a job?	, part time (list hours per week:)
Who do you work for?	
How much money do you currently make, before taxes or dedu	ctions?per 🗖 hour 🗖 month 🗖 year
How much money have you made in the last 12 months from a	ny source, before taxes or deductions?
How many family members are supported by or live with you?	
If a spouse lives with you, how much money does your spouse	make? per 🗖 hour 🗖 month 🗖 year
List all other money you, and anyone else living in your housel	old, has coming in:
List what you own, including money in banks, cars, trucks, othelse worth more than \$100:	er vehicles, land, houses, buildings, cash, or anything
List amounts you pay monthly for mortgages, rent, car loans, car	redit cards, child support, and any other debts:
I promise under penalty of perjury that the statements I m pay for an attorney to represent Respondent in this case. the information submitted on this financial affidavit.	
Date Signature	

Rule 8.33 — Form 5A: Order for Payment of Respondent's Court Appointed Attorney Fees and Costs.

	In the Iowa District Court for	County (Juvenile Division)
In the I	ren).	 Juvenile No. Order for Payment of Respondent's Court Appointed Attorney Fees and Costs
	n this day of, 20 rit of Petitioner Under Iowa Code Chapter 600A	_, the court having received and examined the Financial finds as follows:
	Petitioner is not indigent (over 100% poverty gattorney's fees to Respondent's court-appointed	guideline) and is responsible for payment of reasonable dattorney.
	-	y guideline unless able to pay attorney costs) and the State reasonable attorney's fees to Respondent's court-appointed and Iowa Administrative Code section 493-14.
Copy to	o:	Judge, Judicial District

Rule 8.34 Juvenile Procedure Forms — Judicial Waiver of Parental Notification. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated.

Rule 8.34 — Form 1:	Petition	for Waiver o	f Parental Noti	fication o	f Minor's Abortion.

IN THE IOWA DISTRICT COURT FO (JUVENII	DR COUNTY LE DIVISION)
IN THE INTEREST OF	Juvenile No
A Minor.	PETITION FOR WAIVER OF PARENTAL NOTIFICATION OF MINOR'S ABORTION PURSUANT TO IOWA CODE SECTION 135L.3
I, the above-named minor, state:	
1. I am under 18 years of age.	
I am approximately weeks pregnant an of a parent.	d seek an abortion by a licensed physician, without notification
(Check one) a. I am accompanied by a responsible adult (a associated with the clinic or physician wh	a responsible adult is a person who is 18 or over and who is not to will perform the abortion).
b. I am not accompanied by a responsible ad	lult.
4. (Check one)	
a. I have viewed the video prepared by the Io pregnant minor, including parenting, adop	wa Department of Public Health that explains my options as a otion, and abortion.
b. I have not viewed the video.	
5. (Check one)	
a. I understand that I have the right to a co attorney to represent me.	ourt-appointed attorney at no cost to me. Please appoint an
b. I have an attorney to represent me. The att	torney's name, address, and telephone number is
attend any hearing on the petition are myself, my attorne	et from my parents and the public. The only persons who may y, my guardian ad litem (if one is appointed) and those whose lly request. I request that the following person(s) be notified of
7. I understand court personnel will not send any pap the court's decision in the following way:	pers to my home or try to call me. I would like to be informed of
I request the following person(s), in addition to my attor Name(s) and address(es):	ney, be contacted and given papers in my case:

Petition for Waiver of Parental Notification of Minor's Abortion (cont'd)

8. (Check	k one or both)
a.	I am mature and capable of providing informed consent for the performance of an abortion.
b.	It would not be in my best interests to notify a parent of my abortion for the following reasons:
9. I state	on oath that (check one)
a.	I am presenting this request to a court for the first time.
b.	I have made this request to a court before and was refused.
	ame, business address, and business telephone number (if these are known) of the physician who will per- tion is
	ORE, I request that the court grant my application to obtain an abortion without notifying a parent.
Signed on	this, 20
	Petitioner (You may sign a name other than your true name, such as Jane Doe)
immediately	you require the assistance of auxiliary aids or services to participate in court because of a disability, call your district ADA coordinator at (If you are hearing impaired, call Relay 1-800-735-2942).
	June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent e September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 2: Declaration of Minor who has Filed Pseudonymous Petition to Waive Parental Notification.

	IN THE IOWA DISTRICT COURT FOR (JUVENILE	DIVISION) COUNTY
IN TI	HE INTEREST OF	Juvenile No
A Mi	nor.	DECLARATION OF MINOR WHO HAS FILED PSEUDONYMOUS PETITION TO WAIVE PARENTAL NOTIFICATION UNDER IOWA CODE CHAPTER 135L
NOTI BER	ICE TO THE CLERK OF COURT: A CERTIFIED C NOTED ON IT, SHOULD BE GIVEN TO THE MIN	OPY OF THIS DECLARATION, WITH THE FILE NUM- NOR AFTER SHE SIGNS IT.
	ORIGINAL SHOULD IMMEDIATELY BE PLACI D UNDER SEAL AND KEPT UNDER SEAL AT AI	ED IN A SEALED ENVELOPE, WHICH SHOULD BE LL TIMES.
1.	My true name is	, and my address is
	(print you	, and my address is
	(print you	r address)
2.	My date of birth is	,
3.		under the name
	on	(date)
		(date)
I decl	are, under penalty of perjury, that the foregoing is tru	e and correct.
Dated	l:Signed:	
		(You must sign your true name)

Rule 8.34 — Form 3: Order Appointing Counsel for a Minor.

IN THE IOWA DISTRICT COURT FO (JUVENIL	E DIVISION)
IN THE INTEREST OF	Juvenile No
A Minor.	ORDER APPOINTING COUNSEL FOR A MINOR UNDER IOWA CODE SECTION 135L.3(3)(b)
Code chapter 135L. The court finds that counsel should	••
[address]	, [telephone number]
The clerk shall provide a copy of this order as specifie	ed in Iowa R. Juv. P. 8.28.
Dated this day of	, 20
_	
_	JUDGE JUDICIAL DISTRICT OF IOWA

Rule 8.34 — Form 4: Order Appointing a Guardian Ad Litem for a Minor.

IN THE	IOWA DISTRICT COURT (JUVE)	FOR COUNTY NILE DIVISION)	
IN THE INTEREST OF		Juvenile No.	
A Minor.		ORDER APPOINTING A GUARDIAN AD LITEM FOR A MING UNDER IOWA CODE SECTION 135L.36	
Code chapter 135L. The	court finds that a guardian a	's request to waive parental notification of an abortion u d litem should be appointed.	
[address] be appointed as the guard	lian ad litem for the minor at	, [telephone number]t public expense.	
The clerk shall provide	e a copy of this order as spec	rified in Iowa R. Juv. P. 8.28.	
Dated this	day of	, 20	
		JUDGE JUDICIAL DISTRICT OF	IOWA

Rule 8.34 — Form 5: Advisory Notice to Minor.

IN THE IOWA DISTRICT COURT FOI (JUVENIL	R COUNTY E DIVISION)
IN THE INTEREST OF	Juvenile No
A Minor.	ADVISORY NOTICE TO MINOR
YOU ARE NOTIFIED as follows:	
All information in your case is confidential. No papers wi court. Your name will not be on your court papers.	ll be sent to your home, and you will not be contacted by this
Your lawyer and your guardian ad litem (if one is appointed someone else to get notices. That person's name should be	ed) will receive notices about your case. You may also name be on your petition.
YOUR CASE NUMBER APPEARS AT THE TOP OF T NOT GET INFORMATION FROM THE CLERK WITH	THIS SHEET. KEEP IT IN A SAFE PLACE. YOU CANGOUT YOUR CASE NUMBER.
	ENT YOU SIGNED WITH YOUR TRUE NAME. KEEP IT TO YOUR DOCTOR TO OBTAIN AN ABORTION WITH
Clerk: Complete information below:	
1. (a) Your hearing is scheduled for County	Courthouse in, Iowa
OR	
(b) You must call the clerk at ()	to obtain the date of the hearing.
2. (a) Your lawyer is	, telephone number
OR	
(b) You must call the clerk at the above number to	get the name of your lawyer.
3. (a) Your guardian ad litem istelephone number	

OR

(b) You may call the clerk at the above number to obtain the name of your guardian ad litem.

You may be told of the court's decision immediately after the hearing. If not, you may contact your lawyer or the clerk soon after the hearing to find out if the court has ruled on your petition.

You have a right to a hearing and a decision within 48 hours unless you or your attorney asks for an extension of time. Any extension of time granted for the hearing shall extend the deadline for filing any decision on appeal for a like period of time. If these deadlines are not met you have a right to ask the clerk for a paper that will allow your doctor to perform the abortion without notifying a parent.

If the court does not grant your petition, you will be able to appeal.

Advisory Notice to Minor (cont'd)

If the court does not grant your petition and you decide not to appeal, or if your appeal is not granted, you may request that the court appoint a licensed therapist to help you tell your family of your decision and deal with any family problems. The cost of the therapist will be paid for by the court.

I certify that I have given a copy of this advisory notice to the minor.

Clerk of the Court	
	County Courthouse
	County Courthouse
	, Iowa

Rule 8.34 — Form 6: Order Setting Hearing on Petition for Waiver of Parental Notification of Minor's Abortion.

IN THE	IOWA DISTRICT COURT F (JUVEN)	OR COUNTY ILE DIVISION)
IN THE INTEREST OF		Juvenile No
A Minor.		ORDER SETTING HEARING ON PETITION FOR WAIVER OF PARENTAL NOTIFICATION OF MINOR'S ABORTION
given in accordance with	DRDERED that a hearing on the Code section 135L.3 on the m. at the	tion of
	a copy of this order as specif	ied in Iowa R. Juv. P. 8.28.
Dated this	day of	, 20
	-	JUDGE JUDICIAL DISTRICT OF IOWA

Rule 8.34 — Form 7: Findings of Fact, Conclusions of Law and Order.

IN THE IOWA DISTRICT COURT FOR (JUVENIL)	R COUNTY E DIVISION)
IN THE INTEREST OF	Juvenile No
A Minor.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
This matter came before the court on _section 135L.3 on waiver of parental notification of a min	, 20, for hearing held pursuant to Iowa Code tor's abortion. Present for the hearing were the following:
	, the minor;
	, the minor's attorney;
	, the minor's guardian ad litem; and
The court now makes the following FINDINGS OF F. 1. Notice of this hearing and a copy of the petition was 2. The petitioner is a pregnant minor, year and seeks an abortion but objects to the notification of a p 3. (Check one) a. The petitioner is mature and capable of providing decision is based upon the following facts:	ere served in accordance with Iowa R. Juv. P. 8.28. rs of age. She is approximately weeks pregnant
	b be mature, but notification to the petitioner's parent is not in ased upon the following facts:
	capable of providing informed consent, nor has she shown that. This decision is based upon the following facts:

Findings of Fact, Conclusions of Law and Order (cont'd)

CONCLUSIONS OF LAW

1. The court has jurisdiction of the petitioner and the subject matter	as provided in Iowa Code chapter 135L.
2. The burden of proof is on the petitioner by a preponderance of the	ne evidence.
3. (Check one)	
a. A preponderance of the evidence shows that the petitioner is consent for the performance of the abortion within the 135L.3(3)(e)(1).	
OR	
b. A preponderance of the evidence shows that the petitioner is notification of the abortion to a parent is not in the best interesting of Iowa Code section 135L.3(3)(e)(2).	
OR	
c. The evidence does not support a judicial waiver of parental n	otification.
4. The notification requirements as provided in Iowa Code section	135L.3 should [should not] be waived.
IT IS ORDERED, ADJUDGED AND DECREED that the petition [denied].	for waiver of parental notification is granted
The clerk shall provide a copy of this order to the petitioner's attorner following person(s) designated by the petitioner:	y, guardian ad litem, if any, physician, and the
	<u>-</u> -
Notice: (Delete if petition is granted). You have the right to appeal thi file a notice of appeal with the district court clerk within 24 hours of this ruare attached to this order.	
Dated this day of, 20	<u>·</u>
	JUDGE JUDICIAL DISTRICT OF IOWA
[Court Order June 26, 1997, temporary rules effective July 1, 199 rules effective September 8, 1997; Report November 9, 2001, effe	7; Court Order June 26, 1997, permanent

[C ru]

Rule 8.34 — Form 8: Certification that Waiver of Parental Notification is Deemed Authorized.

IN THE IOWA DISTRICT COURT FOR (JUVENILE	DIVISION)
IN THE INTEREST OF	Juvenile No
A Minor.	CERTIFICATION THAT WAIVER OF PARENTAL NOTIFICATION IS DEEMED AUTHORIZED
Pursuant to Iowa Code section 135L.3 the clerk certifies the	nat:
1. The minor's petition for waiver of parental notification	n was filed on
2(a) A ruling was not made within 48 hours of th	e filing of said petition,
OR	
(b) The date for the hearing was extended at the and a ruling was not made within 48 hours of	
THEREFORE, pursuant to Iowa Code section 135L.3(3)(tion requirements is deemed authorized.), the petition is deemed granted and the waiver of notifica-
Dated:	
Cler	k of the Court County Courthouse
	, Iowa

Copies to: (Clerk, see Iowa R. Juv. P. 8.31(3))

Rule 8.34 — Form 9: Notice of Appeal.

IN THE	IOWA DISTRICT COURT FOI (JUVENIL)	E DIVISION)
IN THE INTEREST OF		Juvenile No. Supreme Court No.
A Minor.	,	NOTICE OF APPEAL
COUNTY, AND TO THE You are notified that waiver of parental notifica	HE DISTRICT COURT, E CLERK OF THE SUPREM tion on, which denied	IE COURT:, the minor, who filed her petition for, hereby appeals the order dated
Dated this	day of	, 20
		orney for

EMANCIPATION OF MINORS

Rule 8.35 Emancipation orders.

- **8.35(1)** Separate orders. The juvenile court shall enter findings of fact and conclusions of law separately from an order granting emancipation of a minor.
- **8.35(2)** Confidentiality. The separate findings of fact and conclusions of law shall be confidential. Notwithstanding any other confidentiality statute or rule concerning juvenile court records, orders granting emancipation of a minor under Iowa Code chapter 232C shall be considered public records subject to release by the juvenile court.

[Report June 29, 2009, effective August 28, 2009]

PARENT REPRESENTATION

Rule 8.36 Educational requirements for court-appointed attorneys representing parents.

8.36(1) Three-hour annual minimum. Court-appointed attorneys representing parents in juvenile court are required to participate annually in a minimum of three hours of continuing legal education relating to juvenile court proceedings. An attorney shall not accept juvenile court appointment representing a parent unless the attorney has fulfilled this three-hour minimum requirement either in the previous calendar year or earlier in the calendar year of the appointment.

8.36(2) Qualifying courses.

- a. For purposes of this rule, "continuing legal education relating to juvenile court proceedings" means instruction that meets all three of the following criteria:
- (1) It relates to the legal, ethical, medical, psychological, or social issues arising in juvenile court proceedings.
 - (2) It has been approved by the Iowa Children's Justice Initiative.
 - (3) It has been accredited by the commission on continuing legal education.
- b. The Iowa Children's Justice Initiative is responsible for publicizing courses that meet the criteria of rule 8.36(2). It is anticipated that these courses will be available throughout the state at little or no cost to the attorney.
- **8.36(3)** Recordkeeping. Court-appointed attorneys representing parents in juvenile court proceedings are responsible for maintaining records of their compliance with this rule and reporting required instruction on the annual report required by Iowa Court Rule 41.4. A judge presiding over a juvenile proceeding, or the State Public Defender, may require an attorney to certify compliance with this rule and to provide the attorney's annual reports and any other records demonstrating compliance with this rule.
- **8.36(4)** Effective date. This rule applies to court appointments that occur on or after January 1, 2015. Attorneys appointed to represent parents in juvenile court proceedings on or after January 1, 2015, must have completed three hours of continuing legal education relating to juvenile court proceedings either during calendar year 2014 or during calendar year 2015 prior to their appointment. [Court Order October 16, 2013, effective January 1, 2015]

MINOR GUARDIANSHIPS

Rule 8.37 Juvenile Procedure Forms — Minor Guardianships. An individual serving as guardian for a minor guardianship without attorney representation must use forms contained in this rule for required filings. An attorney may use these forms but is not required to do so.

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 1: Protected Information Disclosure

In	the Iowa District Court for	County	(Juvenile Division)
In the I	Matter of the Guardianship of	Juvenile no	
Initials of I	Protected Minor	— Protected Inf	formation Disclosure
Protec	ted Minor.		
is mate	rotected information, as defined rial to the case and is therefore fidential cases, a party must red	included in nonconfident	tial documents on
refer to le Privacy.	xplanation of a filer's responsibility an owa Court Rules: Chapter 16, Rules of Rule 16.602 provides the list of protect be redacted or partially provided.	of Electronic Procedure, Divisi	on VI, Protection of Personal
Pro	tected Minor. The minor who is the wide the complete version of protected informe		acluded in documents you file.
	First	Middle Las	t
	Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
	A. Protected Minor's full name	Full name	Initials only
	B. Social security number		Last four digits only
	C. Date of birth	mm/dd/yyyy	Year only
	D. Personal identification numbers (if no social security number)	Full number	Partial only
	E. Other unique identifying numbers	Full number	Partial only

Continued on next page

Full information

Partial information

G.

Additional protected information

Rule 8.37—Form 1: Protected Information Disclosure, continued

	123	SC	
	H.		
	Additional protected information	Full information	Partial information
	l.	No. 10	0
	Additional protected information	Full information	Partial information
	Check this box if you are attachin Minor.	g a separate sheet listing addition	ıl information for Protected
Pai	ent. The parent of the minor who is th	e subject of the guardianship.	
Pn	ovide the complete version of protected inj	formation and the redacted version i	ıcluded in documents you file.
Na	ame		
	First	Middle Las	t
	Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
	A. Social security number	H H	Last four digits only
	B B t - 41/4	/ /	
	B. Date of birth	mm/dd/yyyy	Year only
	C. Individual taxpayer identification numbers	.	Last four digits only
			Last jour aigus only
	D. Personal identification number (if no social security number)	S Full number	Partial only
	E. Other unique identifying number	rs Full number	Partial only
	F. Additional protected information	Full information	Partial information
	G. Additional protected information	Full information	Partial information
	H. Additional protected information	Full information	Partial information
	l.		
	Additional protected information	Full information	Partial information
	Check this box if you are attaching	a separate sheet listing additional in	formation for Parent.
Δd	ditional Parent. The other parent,	if annlicable of the minor who is the	ne subject of the quardianshin
	ovide the complete version of protected inj		
		ormation and the reducted version i	icuaea in aocuments you file.
Na	First	Middle Las	t
	F	1	
	Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)
	A. Social security number	- :-	Last four digits only
	B. Date of birth	1 1	
	D. Date of billin	/ 11/	77

Continued on next page

mm/dd/yyyy

Year only

Rule 8.37-Form 1: Protected Information Disclosure, continued

C.	Individual taxpayer identification numbers	2 2	Last four digits only
D.	Personal identification numbers (if no social security number)	Full number	Partial only
E.	Other unique identifying numbers	Full number	Partial only
F.			
	Additional protected information	Full information	Partial information
G.	Additional protected information	Full information	Partial information
Н.			
	Additional protected information	Full information	Partial information
I.	Additional protected information	Full information	P artial information

Check this box if you are attaching a separate sheet listing additional information for Additional Parent.

4. Proposed Guardian or Guardian. The proposed, or current, guardian of the protected minor.

Provide the complete version of protected information and the redacted version included in documents you file.

Name
First
Middle
Last

Protected information type	Complete information (See rules 16.602 and 16.604)	Redacted information (See rule 16.605)	
A. Social security number	2 2	Last four digits only	
B. Date of birth	/ / mm/dd/yyyy	Year only	
Individual taxpayer identification numbers	¥	Last four digits only	
D. Personal identification numbers (if no social security number)	Full number	Partial only	
E. Other unique identifying numbers	Full number	Partial only	
F. Additional protected information	Full information	Partial information	
G. Additional protected information	Full information	Partial information	
H. Additional protected information	Full information	Partial information	
l. Additional protected information	Full information	Partial information	

Check this box if you are attaching a separate sheet listing additional information for Proposed Guardian or Guardian.

Rule 8.37—Form 1: Protected Information Disclosure, continued

10.00	20 (00)	202	2020		20 22	
_	Inf	armai	lion	PROL	ride	ed by:
IJ.		villa	LIUII	DIUV	IUt	u vv.

	/s/			
Printed name	Signature			
Law firm, if applicable				
Mailing address				
City	State	ZIP code		
() Phone number				
Email address	Additional email o	address, if applicable		
Month Day Year Date signed	_ :			

Rule 8.37 — Form 2: Background Check Information for a Proposed Guardian of a Minor

Instructions:

December 2019

- Iowa Code section 232D.307 requires the court to conduct a criminal records check and checks of the child abuse, dependent adult abuse, and sex offender registry for a proposed guardian of a minor, and requires the proposed guardian to pay the background check fee (\$15.00). Note: The clerk of court will keep this information form confidential.
- Do not give copies of this form to anyone except the clerk of court or your attorney, if you have one.
- If there is no existing guardianship approved by the court, file this form and a Petition to Establish a Guardianship for a
 Minor with the clerk of court.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _	County (Juvenile Division)
In the Matter of the Guardianship o	f: Juvenile no
Initials of Protected Minor	Background Check Information for a Proposed Guardian of a Minor
Protected Minor.	
	Iowa Code § 232D.30'
Guardian states as follows:	
1. Proposed Guardian's personal i	nformation
A. Current legal name	
Full first name	Full middle name Full last name write "N/A" if no middle name)
B. Personal identifying information	1
Date of birth (month/day/year)	
Date of birth (month/day/year)	Gender Social security number
 C. All other names ever used (incl nicknames) 	uding any other previous legal names and
Alternate name #1 Full first name	
Full first name	Full middle name Full last name (write "N/A" if no middle name)
Alternate name #2	
Full first name	Full middle name Full last name (write "N/A" if no middle name)
Cont	inued on next page

Rule 8.37—Form 2

Page 1 of 2

Rule 8.37—Form 2: Background Check Information for a Proposed Guardian of a Minor, continued

Alternate name #3			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #4			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #5			
seentinenseeder 27 vilor	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #6			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #7			
	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #8			
assessmentation decisions	Full first name	Full middle name (write "N/A" if no middle name)	Full last name
Alternate name #9			
270.71	Full first name	Full middle name (write "N/A" if no middle name)	Full last name

2. Certification and release authorization

Certification: I confirm that the information provided above is true and correct.

Release Authorization: I give permission for the court to conduct an lowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal m d

nistory data concerning me maintained aw. I understand this can include info court records, successful completion of arrests without dispositions.	ormation concerning	g cases expu	nged fr
Signature of Proposed Guardian	Month	Day	Year
Handwrite your signature on this form. Scan the for	m after signing it and file i	t electronically.	

December 2019 Rule 8.37—Form 2 Page 2 of 2

Rule 8.37 — Form 3: Affidavit of Parental Consent

Instructions:

- This form must be completed by each parent who has legal custody of the minor and is consenting to the guardianship
 of the minor.
- Each signing parent must complete and provide a separate form.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for	County (Juvenile Division)
In the Matter of the Guardianship of:	Juvenile no
Initials of Protected Minor	Affidavit of Parental Consent
Protected Minor.	
	Iowa Code § 232D.203
I certify the following: Read, complete, and check ea	
☐ I,	, am the
of (Minor).	1 aremai reunionsmp
☐ I currently have legal custody of Mino	r.
☐ Minor is in need of a guardianship be	cause Check all that apply
I have a physical or mental illness supervision of Minor.	that prevents me from providing care and
☐ I am, or soon will be, incarcerated	or imprisoned.
☐ I am, or soon will be, on active mil	litary duty.
Other: Explain	
☐ I have read the Petition for Guardians	ship filed with this Affidavit.
 I understand the nature of the guardia Guardianship. 	anship proposed in the Petition for
☐ I knowingly and voluntarily consent to	the proposed guardianship.
☐ I have had sufficient opportunity to co	onsult with an attorney regarding this matter.

Rule 8.37—Form 3: Affidavit of Parental Consent, continued

Attorney	Help Check one		
A. 🗆	An attorney did not help me prepar	e or fill in this pa	aper.
В. 🗆	An attorney helped me prepare or	fill in this paper.	
	If you check ${\sf B}$, you must fill in the following i	nformation:	
	Name of attorney or organization, if any		
	Business address of attorney or organization		
	City	State	ZIP code
	() Phone number	Fax number	
	Email address	Additional email	address, if applicable
Oath and	d signature of parent		
I, Print you	, have r	ead this Affidavi	t, and I certify under
	of perjury and pursuant to the laws of vided in this Affidavit is true and correct 20		va that the information I
Month	Day Year Signature*		
Mailing add	lress		
City		State	ZIP code
(Phone numi	ber	_	
Email addr	288		address, if applicable
*Handwrite	your signature on this form. Scan the form afte	r signing it and file it	electronically.

Rule 8.37 — Form 4: Guardian's Initial Care Plan for Protected Minor

Instructions:

- Guardian must complete, sign, and file this form with the court within sixty (60) days of appointment.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule
 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Initial Care Plan is to provide the court with a complete picture of Protected Minor's current situation, Protected Minor's needs, and Guardian's plan to meet those needs.
- Provide as much detailed information as possible.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

	Ir	n the Iowa District Court for	County (Juvenile Division)
ln	the	Matter of the Guardianship of:	Juvenile no	
		of Protected Minor		itial Care Plan for cted Minor
Pr	ote	cted Minor.		
				Iowa Code § 232D.501(1)(a)
Gι	arc	lian states as follows:		
1.	Gı	uardian's information		
	Α.	Guardian's name:		
		Full name: first, middle, last		
	В.	Guardian is Minor's: Check one		
		☐ Grandparent		
		☐ Adult sibling		
		☐ Other:		
2.	Mi	nor's information		
	A.	Minor's age:		
	В.	Reason for guardianship:		
		2		
				*
		5		
		3		<u> </u>
		Check this box if you have attached a shee	et with additional information.	
		Continu	ed on next page	

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

3.	Mi	inor's	residence and interaction with Guardian
	A.	Does	Minor currently live with Guardian? Check Yes or No below.
		□Ye	es
		If	you checked Yes, complete the next section.
		D	escribe Guardian's daily interaction with Minor:
		49	
		19—	
		V	
			Check this box if you have attached a sheet with additional information.
		□No	
		If	you checked No, complete (1)–(6).
		(1) Minor's current residence:
			Mailing address
			City State ZIP code
		(2	2) Date Minor began living at current residence:
		N.	
			Month Day Year
		(3	3) Explain why Minor does not live with Guardian:
			Check this box if you have attached a sheet with additional information.
		(4	l) How often does Guardian plan to visit or have other contacts (e.g., by mail, email, social media, and phone) with Minor? Check all that apply
			☐ Daily
			☐ Weekly
			☐ Monthly
			☐ Other:
			Continued on next page

Rule	8.37	–Form 4: Guardian's Initial Care Plan	for Protected Minor, continued	
		(5) How does Guardian	plan to interact with Minor? Chec	k all that apply
		☐ In person		
		☐ Mail, email, or soo	cial media	
		☐ Phone		
		☐ Other:		
		(6) Describe the types of plans:	of activities with or on behalf of M	linor that Guardian
		2		
		Check this box if you ha	rve attached a sheet with additional inform	ation.
	B.	Does Minor's current living	situation best meet Minor's futur	re needs?
		□Yes □No		
		If No, describe Guardian's	plan for meeting those needs:	
				-
	12			
	ı.			
	7			
		Check this box if you have attach	ned a sheet with additional information.	
4.	Min	or's expenses		
	A.	Estimate of Minor's expens	es:	
		Type of expense		Amount estimated Check one ☐ monthly ☐ annual
		(1) Food At home and restaurants		\$
				\$
		(2) Clothing		ıΨ

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

(3) Medical, dental Not health insurance payments – see (7).	\$
(4) Transportation	\$
(5) Phone If applicable	\$
(6) Internet If applicable	\$
(7) Health insurance	\$
(8) Educational or vocational training expenses	\$
(9) Other expense Identify:	\$
(10) Other expense Identify:	\$
(11) Other expense Identify:	\$
(12) Other expense Identify:	\$
(13) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total expenses	\$

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

5.

В.	Wh	o will pay Minor's expenses?	Check all that apply	
		Guardian		
		One or both of Minor's parents		
		A court-appointed conservator:	:	
		Conservator's full name: first, middle,	last	
		Conservator's mailing address		
		City ()	State	ZIP code
		Phone number		
		Email address	Additional ema	il address, if applicable
		Other:		
C.		Guardian is responsible for pay payment of Minor's living expe		
	1			
	5 <u>6</u> -			
))			
	\Box	Check this box if you have attached a she	pet with additional information	2
Mi		's health	er min additional hypormation	**
		nor's physical health		
	(1)	Describe Minor's current medi concerns:	ical health status, ident	ifying any medical
		-		

7—Form 4: Guardian's Initial Care Plan for Protected Minor, continued (2) Guardian's plan for meeting Minor's medical care needs:	
8	
3	
☐ Check this box if you have attached a sheet with additional information.	
Minor's dental health	
(1) Describe Minor's current dental health status, identifying any dental heal concerns:	th
Check this box if you have attached a sheet with additional information.	
(2) Guardian's plan for meeting Minor's dental health care needs:	
Check this box if you have attached a sheet with additional information.	
Minor's mental health	
(1) Describe Minor's current mental health status, identifying any mental, cognitive, behavioral, or emotional concerns:	
·	
☐ Check this box if you have attached a sheet with additional information.	
	(2) Guardian's plan for meeting Minor's medical care needs: Check this box if you have attached a sheet with additional information. Minor's dental health (1) Describe Minor's current dental health status, identifying any dental heal concerns: Check this box if you have attached a sheet with additional information. (2) Guardian's plan for meeting Minor's dental health care needs: Check this box if you have attached a sheet with additional information. Minor's mental health (1) Describe Minor's current mental health status, identifying any mental,

Rul	e 8.37	7—F0	rm 4: Guardian's Initial Care Plan for Protected Minor, continued
		(2)	Guardian's plan for meeting Minor's mental, cognitive, behavioral, or emotional needs:
			Check this box if you have attached a sheet with additional information.
	D.	Oth	ner health concerns
		(1)	Identify any other health care concerns related to Minor:
			Check this box if you have attached a sheet with additional information.
		(2)	Guardian's plan for meeting other health care concerns identified:
			Check this box if you have attached a sheet with additional information.
6.	Mi	nor	's education
	A.	Mir	nor is: Check one
			Preschool age
			If you checked the above box, complete the next section.
			Is Minor receiving services from a preschool educational program (e.g., Early Access or Head Start)?
			☐ Yes ☐ No
			If Yes, describe the services:
			Check this box if you have attached a sheet with additional information.
			Continued on next page

School age but not enrolled in or attending school If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes □ No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes □ No	☐ School age and enrolled in or a		
School name where Minor is enrolled or attending School mailing address City State ZIP code School age but not enrolled in or attending school If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes No If Yes, describe the services:	If you checked the above box, complete	the next section.	
School mailing address City State ZIP code School age but not enrolled in or attending school If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes No If Yes, describe the services:	Minor's school information:		
City State ZIP code School age but not enrolled in or attending school If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes □ No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes □ No If Yes, describe the services:	School name where Minor is enrolled o	or attending	
School age but not enrolled in or attending school If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes No If Yes, describe the services:	School mailing address		
If you checked the above box, complete the next section. Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes No If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes No If Yes, describe the services:	City	State	ZIP code
Explain how Minor's educational needs will be met: Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? Yes No Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes No Yes, describe the services:	\square School age but not enrolled in	or attending school	
☐ Check this box if you have attached a sheet with additional information. Does Minor receive or need special education or related services? ☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	If you checked the above box, complete	the next section.	
Does Minor receive or need special education or related services? Yes	Explain how Minor's education	nal needs will be met:	
Does Minor receive or need special education or related services? Yes			
Does Minor receive or need special education or related services? Yes	2		
Does Minor receive or need special education or related services? Yes			
Does Minor receive or need special education or related services? Yes			
☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Check this box if you have attached	a sheet with additional informat	tion.
If Yes, describe the services: Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? Yes □ No If Yes, describe the services:			
☐ Check this box if you have attached a sheet with additional information. Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spec		
Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spec ☐ Yes ☐ No		
Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spec		
Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spec ☐ Yes ☐ No		
Does Minor receive or need vocational or training services? ☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spec ☐ Yes ☐ No		
☐ Yes ☐ No If Yes, describe the services:	Does Minor receive or need spect ☐ Yes ☐ No If Yes, describe the services:	cial education or related s	
If Yes, describe the services:	Does Minor receive or need spect ☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a sha	cial education or related s	services?
	Does Minor receive or need spect ☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a she Does Minor receive or need voca	cial education or related s	services?
Check this has if you have attached a sheet with additional information	Does Minor receive or need spect ☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a she Does Minor receive or need voca	cial education or related s	services?
Check this has if you have attached a sheet with additional information	Does Minor receive or need spect ☐ Yes ☐ No If Yes, describe the services: ☐ Check this box if you have attached a she Does Minor receive or need voca	cial education or related s	services?
Check this how if you have attached a sheet with additional information	Does Minor receive or need special Yes □ No If Yes, describe the services: □ Check this box if you have attached a she boes Minor receive or need voca □ Yes □ No	cial education or related s	services?
Check this har if you have attached a sheet with additional information	Does Minor receive or need special Yes □ No If Yes, describe the services: □ Check this box if you have attached a she boes Minor receive or need voca □ Yes □ No	cial education or related s	services?
	Does Minor receive or need special Yes □ No If Yes, describe the services: □ Check this box if you have attached a she boes Minor receive or need voca □ Yes □ No	cial education or related s	services?

Rule 8.37-Form 4: Guardian's Initial Care Plan for Protected Minor, continued D. Guardian's plan for meeting Minor's future educational, training, and vocational needs: Check this box if you have attached a sheet with additional information. 7. Other professional services A. Does Minor require any professional services other than those listed above? ☐ Yes ☐ No If you checked Yes, complete B and C, otherwise skip to 8. B. Other professional services Minor requires: Check this box if you have attached a sheet with additional information. C. Guardian's plan to provide the professional services required: Check this box if you have attached a sheet with additional information.

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

8. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

A. Information regarding Minor's legal parent:

B.

Full name: first, middle, last			
Mailing address			
City	State	ZIP code	
()			
Phone number			
Email address	Additional ema	il address, if applicable	
parent? □ Yes □ No			
If Yes, describe the arrang	gements. If No, explain why	<i>i</i> .	
•	· • • • • • • • • • • • • • • • • • • •		
sî			
2			
	25 Nr. 10 20-10 CHESSON 65 255-00 250	12	
The property and	ched a sheet with additional inform		
THE PROPERTY AND LOSS PROPERTY	MARK MAY MAY MAY MAY LIGHTED A MAY		
nformation regarding Minor's	MARK MAY MAY MAY MAY LIGHTED A MAY		
iformation regarding Minor's) Contact information:	MARK MAY MAY MAY MAY LIGHTED A MAY		
☐ Check this box if you have attacenformation regarding Minor's 1) Contact information: Full name: first, middle, last	MARK MAY MAY MAY MAY LIGHTED A MAY		
nformation regarding Minor's I) Contact information: Full name: first, middle, last	MARK MAY MAY MAY MAY LIGHTED A MAY		
formation regarding Minor's) Contact information:	MARK MAY MAY MAY MAY LIGHTED A MAY		
nformation regarding Minor's Ontact information: Full name: first, middle, last	MARK MAY MAY MAY MAY LIGHTED A MAY		
Information regarding Minor's Ontact information: Full name: first, middle, last Mailing address	other legal parent (if appli	cable):	
Information regarding Minor's Ontact information: Full name: first, middle, last Mailing address	other legal parent (if appli	cable):	

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued	
(2) Will arrangements be made for regular contacts between Minor and this parent?	
☐ Yes ☐ No	
If Yes, describe the arrangements. If No, explain why.	
-	
Check this box if you have attached a sheet with additional information.	
C. Will arrangements be made for regular contacts between Minor and other relatives (e.g., siblings, grandparents, aunts, and uncles)?	
□Yes	
If you checked Yes, complete the following sections as appropriate.	
(1) Relative's name:	
Relationship to Minor:	_
Describe arrangements planned for contact with this person:	
Check this box if you have attached a sheet with additional information.	

		Continued on next page
	Check ti	his box if you have attached a sheet with additional information.
	F	
	i l	
		s best interest:
٠.		al information that may be useful for the court to know in determining what is
9		Check this box if you have attached a sheet with additional information.
	8	
	=	
	82	
	(
	0	
		you checked No, complete the next section. xplain why:
	□ No	
	L	Check this box if you have attached a sheet with additional relatives.
		☐ Check this box if you have attached a sheet with additional information.
		Describe arrangements planned for contact with this person:
		Relationship to Minor:
	(2	?) Relative's name:

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

to compensation	(Iowa Code section 633.202).
idavit relative to	compensation (Iowa Code
or fill in this	paper.
ll in this pape	er.
State	ZIP code
Fax number	
Additional em	ail address, if applicable
ad this Initia	I Care Plan, and I certify
	A SECURE OF MEDICAL PERSONS S STREETS OF
	State of lowa that the
are Plan is tr	ue and correct.
÷	
	ail address, if applicable
	e or fill in this II in this pape formation: State Fax number Additional emores

Rule 8.37 — Form 5: Guardian's Annual Report for Protected Minor

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the close of the reporting period.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Annual Report is to provide the court with a complete picture of Protected Minor's current situation as well as developments that occurred during the reporting period.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for	County (Juvenile Division)		
In the Matter of the Guardianship of:	Juvenile no		
Initials of Protected Minor Protected Minor.	Guardian's Annual Report for Protected Minor		
	Iowa Code § 232D.501(1)(b)		
Guardian states as follows:			
1. Reporting period			
This report is for the period from:			
2. Guardian's information	er et al de la constante de la		
A. Guardian's name:			
Full name: first, middle, last			
B. Guardian is Minor's: Check one			
☐ Grandparent			
☐ Adult sibling			
☐ Other:			
3. Minor's information			
Minor's age:			
Continue	d on next page		

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued

4.	Co	Continuation of guardianship				
	A.	Guardianship is recommended to be: Check one				
		☐ Continued				
		☐ Terminated				
		If you checked Terminated, provide an explanation. A court hearing may be required on the matter of termination.				
		Check this box if you have attached a sheet with additional information.				
	В.	Ability of Guardian to continue as guardian: Check one				
		☐ Guardian is able and willing to continue as Guardian.				
		☐ Guardian is unable or unwilling to continue as Guardian. Explain why:				
		3 				
		Check this box if you have attached a sheet with additional information.				
	C.	Assistance requested:				
		Identify any assistance Guardian needs in providing or arranging for care of Minor.				
		Check this box if you have attached a sheet with additional information.				

December 2019

Rule 8.37-Form 5: Guardian's Annual Report for Protected Minor, continued

5.	Mi	nor's	residence and interaction with Guardian
	A.	Does	s Minor currently live with Guardian? Check Yes or No below.
		□Y€	98
		If	you checked Yes, complete the next section.
		D	Describe Guardian's daily interaction with Minor during the reporting period:
		V	
		n-	
		9	
			Check this box if you have attached a sheet with additional information.
		□No	5
		If	you checked No, complete sections (1)–(5).
		(1	1) Minor's current residence:
			Mailing address
		16200	City State ZIP code
		(2	2) Date Minor began living at current residence:
			$\frac{1}{Month}$, $\frac{20}{Vear}$.
		13	3) Explain why Minor does not live with Guardian:
		(5) Explain why Millor does not live with Guardian.
			•
			Check this box if you have attached a sheet with additional information.
		(4	4) What types of contacts did Guardian have with Minor during the reporting period and how often? Check all that apply
			☐ In person
			☐ Daily
			☐ Weekly
			☐ Monthly
			☐ Other:
			Continued on next page

Kuie 8.5/—Form 5: Guardian's Annual Report for Protectea Minor, Continued
☐ Mail, email, or social media
☐ Daily
□ Weekly
☐ Monthly
☐ Other:
☐ Phone
☐ Daily
☐ Weekly
☐ Monthly
☐ Other:
☐ Other type of contact:
☐ Daily
☐ Weekly
☐ Monthly
☐ Other:
(5) Summarize the types of activities with or on behalf of Minor that Guardian performed during the reporting period:
·
\Box Check this box if you have attached a sheet with additional information.
B. Does Minor's current living situation best meet Minor's future needs?
☐ Yes ☐ No
If No, describe Guardian's plan for meeting those needs:
•
Check this box if you have attached a sheet with additional information.
Continued on next page

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued

6. Minor's expenses

A. Estimate of Minor's expenses for the next reporting period:

Type of expense	Amount estimated Check one ☐ monthly ☐ annual
(1) Food At home and restaurants	\$
(2) Clothing	\$
(3) Medical, dental Not health insurance payments – see (7).	\$
(4) Transportation	\$
(5) Phone If applicable	\$
(6) Internet If applicable	\$
(7) Health insurance	\$
(8) Educational or vocational training expenses	\$
(9) Other expense Identify:	\$
(10) Other expense Identify:	\$
(11) Other expense Identify:	\$
(12) Other expense Identify:	\$
(13) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information regarding expenses.	\$
Total expenses	\$

Rule	8.37	—Form 5: Guardian's Annual Report for Protected N	Ainor, continued			
	В.	Who will pay Minor's expenses? Che	ck all that apply			
		☐ Guardian				
		☐ One or both of Minor's parents				
		☐ A court-appointed conservator:				
		Consequente de College and Alle Lord				
		Conservator's full name: first, middle, last				
		Conservator's mailing address				
		City	State	ZIP code		
		()				
		Phone number				
		Email address	Additional emo	ail address, if applicable		
		☐ Other:				
	C. If Guardian is responsible for paying Minor's expenses, describe Guardian					
			payment of Minor's living expenses and other expenses during the next			
		reporting period:				
		Check this box if you have attached a sheet	vith additional informatio	n.		
7.	Mi	nor's health				
	A.	Minor's physical health				
(1) Summarize Minor's medical health status during the reporting period,				reporting period,		
		identifying any medical concerns	that occurred:			
		9				
		8				
		7				
		6-				
		Check this box if you have attached a sh	eet with additional inform	nation.		
		Continued	on next page			

occurred:	3.37	7—Form 5: Guardian's Annual Report for Protected Minor, continued (2) Guardian's plan for meeting Minor's future medical care needs:
3. Minor's dental health (1) Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred:		
Minor's dental health Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred: Check this box if you have attached a sheet with additional information. Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information. Minor's mental health Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		
(1) Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred: Check this box if you have attached a sheet with additional information. (2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information. C. Minor's mental health (1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:		Check this box if you have attached a sheet with additional information.
Check this box if you have attached a sheet with additional information. (2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information. C. Minor's mental health (1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:	3.	Minor's dental health
(2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information.		
(2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information.		-
(2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information. Minor's mental health Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		
(2) Guardian's plan for meeting Minor's future dental health care needs: Check this box if you have attached a sheet with additional information.		Chack this how if you have attached a sheet with additional information
Minor's mental health (1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		
C. Minor's mental health (1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		
C. Minor's mental health (1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		
(1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns the occurred:		☐ Check this box if you have attached a sheet with additional information.
identifying any mental, cognitive, behavioral, or emotional concerns that occurred:).	Minor's mental health
☐ Check this box if you have attached a sheet with additional information.		identifying any mental, cognitive, behavioral, or emotional concerns that
Check this box if you have attached a sheet with additional information.		
Check this box if you have attached a sheet with additional information.		
Check this box if you have attached a sheet with additional information.		
		Check this box if you have attached a sheet with additional information.

Ch 8, p.56

Rul	8.37	For	n 5: Guardian's Annual Report for Protected Minor, continued
			Guardian's plan for meeting Minor's future mental, cognitive, behavioral, or emotional needs:
		-	
		-	
		_	Check this box if you have attached a sheet with additional information.
	D.		er health concerns
		100	Summarize any other health care concerns related to Minor that occurred during the reporting period:
		_	
		_	
		_	
			Check this box if you have attached a sheet with additional information.
		(2) (Guardian's plan for meeting other health care concerns identified:
		_	
		_	
		_	
			Check this box if you have attached a sheet with additional information.
8.	Mi	nor's	s education
	A.	Mino	or is: Check one
		□Р	reschool age
		IJ	f you checked the above box, complete the next section.
			Did Minor receive services from a preschool educational program (e.g., Early Access or Head Start) during the reporting period?
			□Yes □ No
		lí	f Yes, describe the services:
		-	
		-	
		_	Check this box if you have attached a sheet with additional information.
			Continued on next page

le 8.3	3/—Form 5: Guardian's Annual Report for Protected I	CONTRACTOR STATE OF THE STATE O	
	☐ School age and enrolled in or atte	to an industrial and included and included the control of the state of the control of t	
	If you checked the above box, complete the	e next section.	
	Minor's school information:		
	School name where Minor is enrolled or a	nttending	
	School mailing address		
	City	State	ZIP code
	☐ School age but not enrolled in or	attending school	
	If you checked the above box, complete the	e next section.	
	Explain how Minor's educational and how Minor's educational nec		
	Check this box if you have attached a si	heet with additional informa	tion.
В.	Did Minor receive special education period?	or related services d	uring the reporting
	□Yes □No		
	If Yes, describe the services:		
	Check this box if you have attached a sheet	with additional information.	
C.	. Did Minor receive vocational or train	ning services during t	he reporting period?
	☐ Yes ☐ No		
	If Yes, describe the services:		
	· <u>·</u>		
	Check this box if you have attached a sheet	with additional information.	
	Continue	d on nevt nage	

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued D. Guardian's plan for meeting Minor's educational, training, and vocational needs during the next reporting period: Check this box if you have attached a sheet with additional information. 9. Other professional services A. Did Minor receive any professional services other than those listed above during the reporting period? ☐ Yes ☐ No If Yes, describe the other professional services Minor received during the reporting period: Check this box if you have attached a sheet with additional information. B. Does Guardian plan to provide Minor with any professional services other than those listed above during the next reporting period? ☐ Yes ☐ No If Yes, describe the other professional services Guardians plan to provide Minor during the next reporting period:

Continued on next page

Check this box if you have attached a sheet with additional information.

Rule 8.37-Form 5: Guardian's Annual Report for Protected Minor, continued

10. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

A. Information regarding Minor's legal parent: (1) Contact information: Full name: first, middle, last Mailing address ZIP code City State Phone number Email address Additional email address, if applicable (2) How often did this parent interact with Minor during the reporting period? ☐ No visits □ Daily ☐ Weekly ☐ Monthly ☐ Other: (3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

Continued on next page

Check this box if you have attached a sheet with additional information.

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued

	4) Will arrangements be made for regular contacts between Minor and this parent during the next reporting period?					
	□ Yes □ No					
	If Yes, describe the arrangements. If No, explain why.					
		_				
		_				
		_				
	Check this box if you have attached a sheet with additional information.					
В.	nformation regarding Minor's other legal parent (if applicable):					
	1) Contact information:					
	Full name: first, middle, last	_				
	Mailing address	_				
	City State ZIP code	_				
	()					
	Phone number					
	Email address Additional email address, if applicable	-				
	How often did this parent interact with Minor during the reporting period?					
	☐ No visits					
	☐ Daily					
	☐ Weekly					
	☐ Monthly					
	☐ Other:					
	(3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:					
	.	_				
		_				
		_				
	Check this box if you have attached a sheet with additional information.					
	Continued on next page					

Rule 8.37-Form 5: Guardian's Annual Report for Protected Minor, continued (4) Will arrangements be made for regular contacts between Minor and this parent during the next reporting period? ☐ Yes ☐ No If Yes, describe the arrangements. If No, explain why. Check this box if you have attached a sheet with additional information. C. Did Minor interact with any other relatives during the reporting period? ☐ Yes If you checked Yes, complete the following sections as appropriate. (1) Relative's name: Relationship to Minor: _____ Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions: Check this box if you have attached a sheet with additional information. Will arrangements be made for regular contacts between Minor and this relative during the next reporting period? ☐ Yes ☐ No If Yes, describe the arrangements. If No, explain why. Check this box if you have attached a sheet with additional information.

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued
(2) Relative's name:
Relationship to Minor:
Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
-
Check this box if you have attached a sheet with additional information.
Will arrangements be made for regular contacts between Minor and this relative during the next reporting period?
☐ Yes ☐ No
If Yes, describe the arrangements. If No, explain why.
Check this box if you have attached a sheet with additional information.
\Box Check this box if you have attached a sheet with additional relatives.
□No
If you checked No, complete the next section.
Explain why:
6
·
\Box Check this box if you have attached a sheet with additional information.
Continued on next page

 ${\it Rule~8.37-Form~5:~Guardian's~Annual~Report~for~Protected~Minor,~continued}$

11. Addi	tional information		
	ional information that ma nor's best interest:	ay be useful for the court to	know in determining what is
·			
Che	ck this box if you have attached	a sheet with additional information	
12.Fees Check	for Guardian		
□Fe	es are applied for. Attach o	affidavit relative to compensation (l	owa Code section 633.202).
□Fe	es are waived.		
13.Fees Check	for Guardian's attorne	у	
	es should be set by the c	court. Attach affidavit relative to d	compensation (Iowa Code
□Fe	es are not requested.		
□Fe	es are waived or not app	olicable.	
14. Attor	ney Help Check one		
A. 🗆	An attorney did not hel	p me prepare or fill in this p	paper.
В. 🗆	An attorney helped me	prepare or fill in this paper	**************************************
	If you check B, you must fill in	n the following information:	
	Name of attorney or organizat	tion, if any	
	Business address of attorney of	or organization	
	City	State	ZIP code
	() Phone number	Fax number	
	Fmail address	Additional emai	l address if applicable

Rule 8.37—Form 5: Guardian's Annual Report for Protected Minor, continued

.Oath and	signature of	Guardia	an			
l, Print your n	ате		, have re	ad this Annual	Report, and I certify under	
	nalty of perjury and pursuant to the laws of the State of Iowa that the info re provided in this Annual Report is true and correct.					
		, 20				
Month	Day	Year	Signature*			
Mailing addre	SS			State	ZIP code	
()_ Phone number						
Email address	6		×	Additional email o	address, if applicable	
*Handwrite yo	our signature on	this form. S	Scan the form o	after signing it and f	ile it electronically.	

Rule 8.37 — Form 6: Guardian's Final Report for Protected Minor

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the termination of the guardianship.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Final Report is to provide the court with a complete picture of Protected Minor's current situation as well as developments that occurred during the reporting period prior to the termination of the guardianship.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for		n the Iowa District Court for	County (Juvenile Division)		
In the Matter of the Guardianship of: Initials of Protected Minor Protected Minor.		Matter of the Guardianship of:	Juvenile no		
		of Protected Minor	Guardian's Final Report for Protected Minor		
		cted Minor.			
			Iowa Code § 232D.501(1)(c)		
Gι	ıard	dian states as follows:			
1.	Re	eporting period			
	Th	his report is for the period from: $\underline{\hspace{1cm}}_{Month}$			
2.	Gı	uardian's information			
	Α.	Guardian's name:			
		Full name: first, middle, last			
	В.	Guardian is Minor's: Check one			
		☐ Grandparent			
		☐ Adult sibling			
		☐ Other:			
3.	Mi	inor's information			
	Mi	nor's age:			
		122 72	•		

 ${\it Rule~8.37-Form~6:~Guardian's~Final~Report~for~Protected~Minor,~continued}$

4.	Termination of guardianship
	The guardianship has been or should be terminated because: Check one
	☐ Minor is no longer a minor
	☐ Minor is deceased
	☐ Minor is now adopted
	☐ Minor is now emancipated
	☐ A different guardian was appointed
	☐ Other reason:
5	☐ Check this box if you have attached a sheet with additional information. Minor's residence and interaction with Guardian
J.	
	Does Minor currently live with Guardian? Check Yes or No below.
	N 7
	If you checked Yes, complete the next section.
	Describe Guardian's daily interaction with Minor during the reporting period:
	-
	Check this box if you have attached a sheet with additional information.
	□ No
	If you checked No, complete sections (1)–(5).
	(1) Minor's current residence:
	(1) Initial of Garrent residence.
	Mailing address
	City State ZIP code
	(2) Date Minor began living at current residence:
	, 20
	Month Day Year
	Continued on next page

	☐ Check this box if you have attached a sheet with additional information.	
(4)	What types of contacts did Guardian have with Minor during the reperiod and how often? Check all that apply	porti
	☐ In person	
	☐ Daily	
	☐ Weekly	
	☐ Monthly	
	☐ Other:	
	☐ Mail/email	
	☐ Daily	
	☐ Weekly	
	☐ Monthly	
	☐ Other:	
	☐ Phone	
	☐ Daily	
	☐ Weekly	
	☐ Monthly	
	☐ Other:	
	☐ Other type of contact:	
	☐ Daily	
	☐ Weekly	
	☐ Monthly	

Rule 8.37-Form 6: Guardian's Final Report for Protected Minor, continued (5) Summarize the types of activities with or on behalf of Minor that Guardian performed during the reporting period: Check this box if you have attached a sheet with additional information. 6. Minor's expenses A. Who will paying Minor's expenses after the termination of this guardianship? Check all that apply ☐ Guardian ☐ Another guardian ☐ One or both of Minor's natural parents ☐ A court-appointed conservator Other: B. Information regarding payer of Minor's expenses: Full name: first, middle, last Mailing address City ZIP code State Phone number Email address Additional email address, if applicable 7. Minor's health A. Minor's physical health Summarize Minor's medical health status during the reporting period, identifying any medical concerns that occurred: Check this box if you have attached a sheet with additional information. Continued on next page

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

В.	Minor's dental health						
	Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred:						
	Check this box if you have attached a sheet with additional information.						
C.	Minor's mental health						
	Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:						
	-						
	Check this box if you have attached a sheet with additional information.						
D.	Other health concerns						
	Summarize any other health care concerns related to Minor that occurred during the reporting period:						
	Check this box if you have attached a sheet with additional information.						

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

8.	Mino	r's education		
	A. M	linor is: Check one		
		Preschool age		
		If you checked the above box, complete the next se	ction.	
		Did Minor receive services from a pres Access or Head Start) during the repo		program (e.g., Early
		☐ Yes ☐ No		
		If Yes, describe the services:		
		Check this box if you have attached a sheet with	h additional information.	
		School age and enrolled in or attending	g school	
		If you checked the above box, complete the next se	ection.	
		Minor's school information:		
		School name where Minor is enrolled or attending	3	
		School mailing address		
		City	State	ZIP code
		School age but not enrolled in or attend	ding school	
		If you checked the above box, complete the next se	ction.	
		Explain how Minor's educational need and how Minor's educational needs w		
		Check this box if you have attached a sheet with	h additional information.	

Rule	8.37	7—Form 6: Guardian's Final Report for Protected Minor, continued
	В.	Did Minor receive special education or related services during the reporting period?
		☐ Yes ☐ No
		If Yes, describe the services:
		Check this box if you have attached a sheet with additional information.
	C.	Did Minor receive vocational or training services during the reporting period?
		☐ Yes ☐ No
		If Yes, describe the services:
		Check this box if you have attached a sheet with additional information.
9.	Ot	her professional services
		d Minor receive any professional services other than those listed above during the porting period?
		Yes □ No
		es, describe the other professional services Minor received during the reporting riod:
	2	
	W	
		Check this box if you have attached a sheet with additional information.

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

10. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

Full name: first, middle, last		
Mailing address		
City	State	ZIP code
()_ Phone number		
Email address	Additional ema	il address, if applicable
(2) How often did this parent inte☐ No visits	race with winter during the	ne reporting period:
□ Daily□ Weekly□ Monthly□ Other:		
☐ Weekly ☐ Monthly		
☐ Weekly ☐ Monthly ☐ Other: (3) If this parent interacted with Minteractions, including whether		
☐ Weekly ☐ Monthly ☐ Other: (3) If this parent interacted with Minteractions, including whether		

B. Information regarding Minor's other legal parent (if applicable):

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

(1) C	ontact information:		
\overline{F}	ull name: first, middle, last		
\overline{M}	lailing address		
\overline{C}	ity	State	ZIP code
(_)		
P_{i}	hone number		
\overline{E}	mail address	Additional email address,	if applicable
(2) H	low often did this parent interact with M	linor during the repor	ting period?
] No visits		
] Daily		
] Weekly		
] Monthly		
] Other:		
` ín	this parent interacted with Minor durin steractions, including whether the intera ummary of the interactions:		
_			
	Check this box if you have attached a sheet with c	additional information.	

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

C. Did Minor interact with any other relatives during the reporting period?
□Yes
If you checked Yes, complete the following sections as appropriate.
(1) Relative's name:
Relationship to Minor:
Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
Check this box if you have attached a sheet with additional information.
(2) Relative's name:
Relationship to Minor:
Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:
Check this box if you have attached a sheet with additional information.
Check this box if you have attached a sheet with additional relatives.

No
If you checked No, complete the next section.
Explain why:
-
-
=
Check this box if you have attached a sheet with additional information. 11. Additional information
Additional information that may be useful for the court to know in determining what is in Minor's best interest:
£
Check this box if you have attached a sheet with additional information
12. Fees for Guardian Check one
☐ Fees are applied for. Attach affidavit relative to compensation (Iowa Code section 633.202).
☐ Fees are waived.
13.Fees for Guardian's attorney Check one
☐ Fees should be set by the court. Attach affidavit relative to compensation (Iowa Code section 633.202).
☐ Fees are not requested.
☐ Fees are waived or not applicable.
Continued on next page

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

14. Attor	ney Help Check one						
A. 🗆	An attorney did not help me prepare or fill in this paper.						
В. 🗆	B. An attorney helped me prepare or fill in this paper.						
	If you check B, you must fill in the following information: Name of attorney or organization, if any						
	Business address of attorney or organization						
	City	State	ZIP code				
	() Phone number	Fax number					
	Email address	Additional email address, if applicable					
15.Oath	and signature of Guardian						
l,	, have re	ead this Final Report, a	and I certify under				
Print	your name						
	ty of perjury and pursuant to the laws provided in this Final Report is true a		nat the information I				
	, 20						
Month	Day Year Signature*						
Mailing	address						
City		State	ZIP code				
()						
Phone r	number						
Email a	ddress	Additional email address, i	f applicable				
*Hand	write your signature on this form. Scan the form		PRO TO THE PROPERTY OF THE PARTY OF THE PART				

Rules 8.38 to 8.40 Reserved.

RESTRAINT OF JUVENILES DURING COURT PROCEEDINGS

Rule 8.41 Routine use of restraints prohibited.

- **8.41(1)** Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, cloth and leather restraints, and other similar items, will not be used on a child during a court proceeding unless the juvenile court upon the recommendation of the juvenile court officer or the county attorney makes a finding on the record that restraints are necessary due to any of the following:
 - a. Recent behavior of the child has placed others at risk of substantial physical harm.
 - b. Sufficient grounds to believe the child is a substantial flight risk.
- c. Sufficient grounds to show restraints are necessary to prevent physical harm to the child or another person during the court proceeding.
- d. There are no less restrictive alternatives to restraints, including the presence of a security officer. The juvenile court officer is not considered a security officer.
- **8.41(2)** If the juvenile court officer or the county attorney recommends that restraints are necessary, the juvenile court officer or county attorney must provide notice to the court and the child's attorney outlining the circumstances supporting that recommendation prior to the child's appearance in each court proceeding or as soon as practicable. If notice is not given in writing, a record must be made at the court proceeding.
- **8.41(3)** The child's attorney, the juvenile court officer, and the county attorney must have an opportunity to be heard before the court prior to any court proceeding for which any recommendation to restrain the child has been made.
- **8.41(4)** For subsequent court proceedings in the same case, the court may rely on a previous finding if the security circumstances relating to the child have not materially changed.
- **8.41(5)** Any restraint must allow the child limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances should a child be restrained using fixed restraints to a wall, floor, or furniture.
- **8.41(6)** Any restraint of children in the courtroom must balance legitimate security needs against the care, protection, and positive mental and physical development of the child while preserving the dignity and decorum of the courtroom and security of the court proceeding and court personnel. [Court Order October 25, 2017, effective December 26, 2017]

CHAPTER 9 CHILD SUPPORT GUIDELINES

Rule 9.1	Guidelines adopted		
Rule 9.2	Applicability		
Rule 9.3	Purpose		
Rule 9.4	Guidelines — rebuttable presumption		
Rule 9.5	Income		
Rule 9.6	Guideline method for computing taxes		
Rule 9.7	Qualified additional dependent deduction		
Rule 9.8	Deduction amount and use		
Rule 9.9 Extraordinary visitation credit			
Rule 9.10 Child support guidelines worksheet			
Rule 9.11	Variance from guidelines		
Rule 9.11A	Variance for child care expenses		
Rule 9.12	Medical Support Order		
Rule 9.13	**		
Rule 9.14	Method of Computation		
Rules 9.15 to 9.25	Reserved		
Rule 9.26	le 9.26 Child Support Guidelines Schedule		
Rule 9.27	Child Support Guidelines Worksheets		
	Form 1: Child Support Guidelines Worksheet		
	Form 2: Child Support Guidelines Worksheet		

CHAPTER 9 CHILD SUPPORT GUIDELINES

- Rule 9.1 Guidelines adopted. The supreme court has undertaken to prescribe uniform child support guidelines and criteria pursuant to the federal Family Support Act of 1988, Pub. L. No. 100-485 and Iowa Code section 598.21B. The child support guidelines contained in this chapter are hereby adopted, effective January 1, 2018. The guidelines shall apply to cases pending January 1, 2018. [Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018]
- **Rule 9.2 Applicability.** These guidelines are established for use by the courts of this state in determining the amount of child support. The guidelines are applicable to modification of child support orders as provided in Iowa Code section 598.21C(2).

 [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009]

Rule 9.3 Purpose.

- **9.3(1)** *Purpose.* The purpose of the guidelines is to provide for the best interests of the children by recognizing the duty of both parents to provide adequate support for their children in proportion to their respective incomes. While the guidelines cannot take into account the specific facts of individual cases, they will normally provide reasonable support.
- **9.3(2)** Low-income adjustment. The basic support obligation amounts have been adjusted in the shaded area of the schedule for low-income obligated (noncustodial) parents. The objective of the adjustment is to strike a balance between adequately supporting the obligated parent's children and allowing the obligated parent to live at least at a subsistence level. The adjustment is based on the following: (1) requiring a support order no matter how little the obligated parent's income is, (2) increasing the support amount for more children, (3) maintaining an incentive to work for the obligated parent, and (4) gradually phasing out the adjustment with increased income.
- a. In accordance with this objective, except as provided in (b), only the obligated parent's adjusted net income is used for incomes less than \$1,151.00 in Area A of the shaded area of the schedule. When the obligated parent's adjusted net income is \$1,151.00 or more but is in Area B of the shaded area of the schedule, the guideline amount of support is the lesser of the support calculated using only the obligated parent's adjusted net income as compared to the support calculated using the combined adjusted net incomes of both parents. The combined adjusted net incomes of both parents are used in the remaining (nonshaded) Area C of the schedule.
- b. In cases of joint (equally shared) physical care, the low-income adjustment is not applicable, and the parents' combined adjusted net incomes as shown in the shaded area of the schedule are used. [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013]
- Rule 9.4 Guidelines rebuttable presumption. In ordering child support, the court should determine the amount of support specified by the guidelines. There shall be a rebuttable presumption that the amount of child support which would result from the application of the guidelines prescribed by the supreme court is the correct amount of child support to be awarded. That amount may be adjusted upward or downward, however, if the court finds such adjustment necessary to provide for the needs of the children or to do justice between the parties under the special circumstances of the case. The appropriate amount of child support is zero if the noncustodial parent's only income is from Supplemental Security Income (SSI) paid pursuant to 42 U.S.C. 1381a.

 [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009]

Rule 9.5 Income.

- **9.5(1)** Gross monthly income. In the guidelines, the term "gross monthly income" means reasonably expected income from all sources.
- a. Gross monthly income includes traditional or rehabilitative spousal support payments to be received by a party in the pending matter and prior obligation traditional or rehabilitative spousal support payments actually received by a party pursuant to court order. For spousal support payments taxable to the payee and deductible by the payor, the payments shall be added to or subtracted from gross monthly income prior to the computation of federal and state income taxes. For spousal support

payments not taxable to the payee or deductible by the payor, the payments will be added or subtracted after the computation of federal and state income taxes in arriving at net monthly income.

- (1) If traditional or rehabilitative spousal support is to be paid in the pending matter, it will be determined first and added to the payee's income and deducted from the payor's income before child support is calculated.
- (2) The payor of prior obligation spousal support will receive a reduction from income for traditional or rehabilitative spousal support actually paid pursuant to court order.
- (3) Reimbursement spousal support shall not be added to the payee's income or deducted from the payor's income.
- b. Gross monthly income does not include public assistance payments, the earned income tax credit, or child support payments a party receives.
- c. Gross income from self-employment is self-employment gross income less reasonable business expenses.
 - d. To determine gross income, the court shall not impute income under rule 9.11 except:
 - (1) Pursuant to agreement of the parties, or
 - (2) Upon request of a party, and a written determination is made by the court under rule 9.11.
- **9.5(2)** *Net monthly income.* In the guidelines the term "net monthly income" means gross monthly income less deductions for the following:
 - a. Federal income tax (calculated pursuant to the guideline method).
 - b. State income tax (calculated pursuant to the guideline method).
- c. Social Security and Medicare tax deductions, or for those employees who do not contribute to Social Security, mandatory pension deductions not to exceed the current Social Security and Medicare tax rate for employees.
- d. Mandatory occupational license fees if paid by the individual personally, not by the employer, and if not previously deducted as a business expense on the individual's tax return in arriving at the individual's self-employment or other business income.
 - e. Union dues.
- f. Actual medical support paid pursuant to court order or administrative order in another order for other children, not the pending matter.
- g. Cash medical support ordered in this pending matter as determined by the medical support table in rule 9.12.
 - h. Prior obligation of child support actually paid pursuant to court or administrative order.
 - i. Qualified additional dependent deductions.
- *j.* Actual child care expenses, as defined in rule 9.11A. This deduction is allowed regardless of whether a variance is granted under rule 9.11A.

Other items, such as credit union payments, charitable deductions, savings or thrift plans, and voluntary pension plans, are not to be deducted from a parent's income, since the needs of the children must have a higher priority than voluntary savings or payment of indebtedness.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019]

- Rule 9.6 Guideline method for computing taxes. For purposes of computing the taxes to be deducted from a parent's gross income, the following uniform rules shall be used:
- **9.6(1)** An unmarried parent shall be assigned either single or head of household filing status. Head of household filing status shall be assigned if a parent is the custodial parent of one or more of the mutual children of the parents.
 - **9.6(2)** A married parent shall be assigned married filing separate status.
- **9.6(3)** If the parents have joint (equally shared) physical care of their mutual children, an unmarried parent shall be assigned head of household filing status and a married parent shall be assigned married filing separate status.
- **9.6(4)** The standard deduction applicable to the parent's filing status under rule 9.6(1), 9.6(2) or 9.6(3) shall be used.
- **9.6(5)** Each parent shall be assigned one personal exemption for the parent. The custodial parent shall be assigned one additional dependent exemption for each mutual child of the parents, unless a parent provides information that the noncustodial parent has been allocated the dependent exemption for such child. In cases of joint (equally shared) or split physical care, the dependent exemption(s)

for the mutual child(ren) of the parties shall be assigned according to the order or decree establishing the joint or split care arrangement.

9.6(6) If a parent's gross income under rule 9.5(1) is adjusted because of spousal support received or paid by the parent, applicable federal and state tax law determines whether those spousal support amounts are used to increase or decrease the parent's taxable income for computing taxes under this rule.

If the amount of federal and/or state income tax actually paid by the parent differs substantially from the amount(s) determined by the guideline method of computing taxes, the court may consider whether the difference is sufficient reason to adjust the child support under the criteria in rule 9.11. This rule does not preclude alternate methods of computation by the Child Support Recovery Unit as authorized by Iowa Code section 252B.7A.

[Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; November 16, 2018, effective January 1, 2019]

- Rule 9.7 Qualified additional dependent deduction. To establish a qualified additional dependent deduction, the requesting parent must demonstrate a legal obligation to the child(ren) under Iowa Code section 252A.3. Ways to demonstrate a legal obligation to the child(ren) include:
- **9.7(1)** By order of a court of competent jurisdiction or by administrative order when authorized by state law.
- **9.7(2)** By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of conception, birth, or at any time during the period between conception and birth of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of conception, birth, or at any time during the period between conception and birth, must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.
- **9.7(3)** By the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in Iowa Code section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child, or if the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at the time is not the father of the child.
- **9.7(4)** By a child born during the marriage unless the paternity has been determined otherwise by a court of competent jurisdiction.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013]

Rule 9.8 Deduction amount and use.

- **9.8(1)** The monthly deduction for qualified additional dependents of a parent (custodial or noncustodial) shall be:
 - a. 8% of the parent's gross monthly income (to a maximum of \$800 per month) for one (1) child.
- b. 12% of the parent's gross monthly income (to a maximum of \$1200 per month) for two (2) children.
- c. 14% of the parent's gross monthly income (to a maximum of \$1400 per month) for three (3) children.
- d. 15% of the parent's gross monthly income (to a maximum of \$1500 per month) for four (4) children.
- e. 16% of the parent's gross monthly income (to a maximum of \$1600 per month) for five (5) or more children.
- **9.8(2)** The qualified additional dependent deduction can be used for the establishment of original orders or in proceedings to modify an existing order. However, the deduction cannot be used to affect the threshold determination of eligibility for a downward modification of an existing order. After the threshold determination has been met, the deduction shall be used in the determination of the net monthly income. A deduction may be taken for a prior obligation for support actually paid (rule 9.5(8)) or a qualified additional dependent deduction (rule 9.5(9)) but both deductions cannot be used

for the same child. A qualified additional dependent deduction cannot be claimed for a child for whom there is a prior court or administrative support order.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009]

Rule 9.9 Extraordinary visitation credit. If the noncustodial parent's court-ordered visitation exceeds 127 days per year, the noncustodial parent shall receive a credit to the noncustodial parent's share of the basic support obligation in accordance with the following table:

<u>Days</u>	Credit
128-147	15%
148-166	20%
167 or more but less than equally shared physical care	25%

For the purposes of this credit, "days" means overnights spent caring for the child(ren). Failure to exercise court-ordered visitation may be a basis for modification. The extraordinary visitation credit shall not reduce support below \$30.00 for one child or below \$50.00 for two or more children. [Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013]

Rule 9.10 Child support guidelines worksheet. All parties shall file a child support guidelines worksheet prior to a support hearing or the establishment of a support order. The parties shall use Form 1 that accompanies these rules, unless both parties agree to use Form 2. The Child Support Recovery Unit (CSRU) shall use Form 2.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004]

- **Rule 9.11 Variance from guidelines.** The court shall not vary from the amount of child support that would result from application of the guidelines without a written finding that the guidelines would be unjust or inappropriate as determined under the following criteria:
 - **9.11(1)** Substantial injustice would result to the payor, payee, or child(ren).
- **9.11(2)** Adjustments are necessary to provide for the needs of the child(ren) or to do justice between the parties, payor, or payee under the special circumstances of the case.
 - **9.11(3)** Circumstances contemplated in Iowa Code section 234.39.
- **9.11(4)** The court may impute income in appropriate cases subject to the requirements of rule 9.5. If the court finds that a parent is voluntarily unemployed or underemployed without just cause, child support may be calculated based on a determination of earning capacity. A determination of earning capacity may be made by determining employment potential and probable earnings level based on work history, occupational qualifications, prevailing job opportunities, earning levels in the community, and other relevant factors. The court shall not use earning capacity rather than actual earnings or otherwise impute income unless a written determination is made that, if actual earnings were used, substantial injustice would occur or adjustments would be necessary to provide for the needs of the child(ren) or to do justice between the parties.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018]

- Rule 9.11A Variance for child care expenses. The custodial parent's child care expenses may constitute grounds for the court to vary from the amount of child support that would result from application of the guidelines. In determining whether variance is warranted under this rule and rule 9.11, the court should consider the fact that child care expenses are not specifically included in the economic data used to establish the support amounts in the Schedule of Basic Support Obligations. When considering a variance, child care expenses are to be considered independently of any amount computed by use of the guidelines or any other grounds for variance.
- **9.11A(1)** "Child care expenses" means actual, annualized child care expenses the custodial parent pays for the child(ren) in the pending matter that are reasonably necessary to enable the parent to be employed, attend education or training activities, or conduct a job search, less any third party reimbursements and any anticipated child care tax credits.

December 2018

- **9.11A(2)** There is a rebuttable presumption that there will be no variance for child care expenses attributable to a child who has reached the age of 13 years old.
- **9.11A(3)** If variance is warranted, the support order must specify the amount of the basic support obligation calculated before the child care expense variance, the amount of the child care expense variance allowed, and the combined amount of the basic support obligation and the child care expense variance.
 - **9.11A(4)** This rule does not apply to:
- a. Court-ordered joint (equally shared) physical care arrangements, as those child care expenses are to be allocated under rule 9.14(3).
- b. Cases where the noncustodial parent's adjusted net monthly income is in the low-income Area A of the schedule in rule 9.26.

[Court Order July 20, 2017, effective January 1, 2018]

Rule 9.12 Medical Support Order.

- **9.12(1)** The court shall enter an order for medical support as required by statute. For purposes of Iowa Code section 252E.1A, the table contained in rule 9.12(4) is established for use by the courts of this state in determining reasonable cost for a health benefit plan and a reasonable amount in lieu of a health benefit plan (cash medical support). The sum certain dollar amount determined shall be stated in the order, as an amount in addition to the child support amount.
- **9.12(2)** Refer to the table in rule 9.12(4) to determine if the parent has health insurance available at "reasonable cost." Find the appropriate cell for the parent's net income (as determined by the guidelines) and for the correct number of children. Multiply the parent's gross income by the percentage in that cell. If the amount is equal to or more than the cost of the child(ren)'s portion of the health insurance premium (family cost minus single cost), it is available at "reasonable cost." For minimum orders in low-income Area A (NCPs with net incomes 0 1150), cash medical support is not ordered.
- 9.12(3) If neither parent has health insurance available at "reasonable cost," if appropriate according to Iowa Code section 252E.1A, the court shall order cash medical support. Refer to the table in rule 9.12(4) to determine the amount of cash medical support. Find the appropriate cell for the parent's preliminary net income (gross income minus all appropriate deductions other than cash medical support in the pending matter) and for the correct number of children. Multiply the parent's gross income by the percentage in that cell to get the cash medical support amount. For minimum orders in low-income Area A (NCPs with net incomes 0 1150), cash medical support is not ordered. Cash medical support is also not ordered if a parent is ordered to provide health insurance and that parent or stepparent of the child(ren) has obtained insurance coverage for the child(ren). If the child(ren)'s health care coverage is through the Healthy and Well Kids in Iowa program (hawk-i) under Iowa Code chapter 514I, the ordered amount of cash medical support is the cost of the hawk-i premium or the amount calculated pursuant to the table in rule 9.12(4), whichever is less.

Use the adjusted net income (preliminary net income minus the amount of cash medical support in the pending matter) for the correct number of children on the Schedule of Basic Support Obligations to find the appropriate amount of child support. Once the adjusted net income has been determined, do not allow another deduction for cash medical support.

9.12(4) Medical Support Table.

Medical Support Table											
Preliminary Net Income	One	Two	Three	Four	Five or more						
	Child	Children	Children	Children	Children						
0 –1150	num Order health insurance o add the child(-on cost in this a	ren).									
1151-1800 1 child 1801-2150 2 children 2151-2350 3 children 2351-2400 4 children 2401-2650 5+children	the parent's percentage reasonable of parent has haccording to	Area B: Shaded area of the schedule Provide health insurance if available at reasonable cost. Find the box for the parent's preliminary net income and number of children. Multiply the percentage in the box (1% to 5%) by the parent's gross income to find reasonable cost. Health insurance is an add-on cost in this area. If neither parent has health insurance available at reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court shall order cash medical support under Rule 9.12(3).									
1151 – 1200	2%	2%	1%	1%	1%						
1201 – 1250	2%	2%	2%	1%	1%						
1251 – 1300	3%	2%	2%	2%	1%						
1301 – 1350	3%	2%	2%	2%	2%						
1351 – 1400	3%	2%	2%	2%	2%						
1401 – 1450	4%	2%	2%	2%	2%						
1451 – 1500	4%	3%	2%	2%	2%						
1501 – 1550 –	4%	3%	2%	2%	2%						
1551 – 1600	5%	3%	3%	2%	2%						
1601 – 1650	5%	3%	3%	2%	2%						
1651 – 1700	5%	3%	3%	3%	2%						
1701 – 1750	5%	3%	3%	3%	2%						
1751 – 1800	5%	4%	3%	3%	3%						
1801 – 1850	5%*	4%	3%	3%	3%						
1851 – 1900	5%	4%	3%	3%	3%						
1901 – 1950	5%	4%	4%	3%	3%						
1951 – 2000	5%	4%	4%	3%	3%						
2001 – 2050	5%	5%	4%	3%	3%						
2051 - 2100	5%	5%	4%	4%	3%						
2101 – 2150	5%	5%	4%	4%	3%						
2151 – 2200	5%	5%*	4%	4%	4%						
2201 – 2250	5%	5%	4%	4%	4%						
2251 - 2300	5%	5%	5%	4%	3%						
2301 – 2350	5%	5%	5%	4%	4%						
2351 – 2400	5%	5%	5%*	4%	4%						
2401 – 2450	5%	5%	5%	5%*	4%						
2451 – 2500	5%	5%	5%	5%	4%						
2501 - 2550	5%	5%	5%	5%	4%						
2551 – 2600	5%	5%	5%	5%	5%						
2601 – 2650	5%	5%	5%	5%	5 %						
2651 – 25,000	5%	5%	5%	5%	5%*						

* Area C: Nonshaded area of the schedule

Provide health insurance if available at reasonable cost. Find the box for the parent's preliminary net income and number of children. Multiply the percentage in the box (5%) by the parent's gross income to find reasonable cost. Health insurance is an add-on cost in this area. If neither parent has health insurance available at reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court shall order cash medical support under Rule 9.12(3).

9.12(5) "Uncovered medical expenses" means all medical expenses for the child(ren) not paid by insurance. In cases of joint physical care, the parents shall share all uncovered medical expenses in proportion to their respective net incomes. In all other cases, including split or divided physical care, the custodial parent shall pay the first \$250 per year per child of uncovered medical expenses up to a maximum of \$800 per year for all children. Uncovered medical expenses in excess of \$250 per child or a maximum of \$800 per year for all children shall be paid by the parents in proportion to their respective net incomes. "Medical expenses" shall include, but not be limited to, costs for reasonably necessary medical, orthodontia, dental treatment, physical therapy, eye care, including eye glasses or contact lenses, mental health treatment, substance abuse treatment, prescription drugs, and any other uncovered medical expense. Uncovered medical expenses are not to be deducted in arriving at net income.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018]

Rule 9.13 Stipulation for child and medical support — court review. A stipulation of the parties establishing child support and medical support shall be reviewed by the court to determine if the amount stipulated and the medical support provisions are in substantial compliance with the guidelines. A proposed order to incorporate the stipulation shall be reviewed by the court to determine its compliance with these guidelines. If a variance from the guidelines is proposed, the court must determine whether it is justified and appropriate, and, if so, include the stated reasons for the variance in the order.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004]

Rule 9.14 Method of Computation. To compute the guideline amount of child support, first compute the adjusted net monthly income, then proceed to either the Basic Method of Child Support Computation grid or the Joint (Equally Shared) Physical Care Method of Child Support Computation grid, as appropriate. For split or divided physical care, refer to rule 9.14(4). The following grids illustrate how the worksheets are to be completed.

9.14(1) The steps to arrive at the adjusted net monthly income are shown below in the adjusted net monthly income computation grid.

			Custodial Parent*	Noncustodial Parent*
	9		(name)	(name)
A.	(Doe Tax (reflec	ss monthly income ss not include public assistance payments, the Earned Income Credit, or child support payments.) Gross income is adjusted to ct receipt by the payee and payments by the payor of spousal ort payments pursuant to rule 9.5(1). Federal income tax	\$	\$
		(Calculated pursuant to rule 9.6.)	\$	\$
	C.	State income tax (Calculated pursuant to rule 9.6.)	\$	\$
	D.	Social Security and Medicare tax/mandatory pension deductions (For employees not contributing to Social Security, mandatory pension deductions shall not exceed the current Social Security and Medicare tax rate for employees.)	\$	\$
	E.	Mandatory occupational license fees	\$	\$
	F.	Union dues	\$	\$
	G.	Actual medical support paid pursuant to court order or administrative order in another order for other children, not the pending matter	\$	\$
	H.	Prior obligation of child support actually paid pursuant to court or administrative order	\$	\$
	I.	Qualified additional dependent deductions (See rules 9.7 and 9.8.)	\$	\$
	J.	Actual child care expenses, as defined in rule 9.11A, for the custodial parent*	\$	\$
K.	(Line		\$	\$
	L.	If ordered in this pending matter, cash medical support as determined in rule 9.12.	\$	\$
M.	(Line (Adju amou on ei or lin	usted net monthly income E.K. minus line L.) usted net monthly income is used to calculate the guideline unt of child support. Enter each parent's amount from line M ther line A of the Basic Method of Child Support Computation are A of the Joint [Equally Shared] Physical Care Method of Child ort Computation as appropriate.)	\$	\$

^{*(}In cases of joint physical care, use names only and designate both parents as custodial parents.)

9.14(2) The steps of a basic child support computation are shown below in the Basic Method of Child Support Computation grid.

	Basic Method of Child	Support Compu	tation	
		Custodial Parent (CP)	Noncustodial Parent (NCP)	Combined
A.	Adjusted net monthly income	(name)	(name) \$	\$
В.	Proportional share of income	%	%	100%
C.	Number of children for whom support is sought	59-701	00%	-50 W//056205/)
	 D. Low-Income: Basic support obligation using only NCP's adjusted net monthly income (Only if NCP's income is in shaded Area A or B.) If NCP's income is in shaded Area A, use only NCP's income to find the basic support amount and enter it on this line. Enter N/A on lines E and F. Enter the basic support amount on line G. If NCP's income is in shaded Area B, use only NCP's income to find the basic support amount. Enter it on this line. Go to line E. If the NCP's income is in nonshaded Area C, enter N/A on this line. Go to line E. 		\$	
E.	Basic support obligation when using combined adjusted net monthly income for NCP incomes in Area B or Area C (Use the line A combined income amount to find the basic support amount from the Schedule of Basic Support Obligations.)			\$
F.	Each parent's share of the basic support obligation when using combined incomes (Each parent's line B x line E.)	\$	\$	
G.	 NCP's basic support obligation before health insurance If NCP's income is in shaded Area B, enter the lower amount from line D or NCP's line F. If NCP's income is in the nonshaded Area C of the schedule, use the amount from NCP's line F. 		\$	

H.	Allov	vable child(ren)'s portion of health insurance								
	premi	ium								
	(Enter	r the amount calculated pursuant to rule 9.14(5).)								
	}]	If health insurance is being ordered, and the basic support obligation on line G falls in Area B or in nonshaded Area C of the schedule, enter the cost under the parent being ordered to								
		provide it.								
	r	If neither parent has health insurance available at easonable cost, enter N/A for each parent on this ine.								
	t	If the basic support obligation on line G falls within low-income Area A of the shaded area of the schedule, enter N/A for each parent on this ine.								
		For stepparent-provided insurance, see rule 0.14(5).	s	\ \$						
I.	Healt	h insurance add-on or deduction from NCP's	200	1.70						
1.		ation—calculated below in 1. and 2.								
	1. I	f the CP will be ordered to provide H.I.:								
		a. CP's H.I. cost from line $H = $	b. NCP's line B percentage =%							
		c. Multiply CP's line H x NCP's line B =	+ \$ (amo	ount to add to NCP l	ine G to get to line J)					
	2. If	f the NCP will be ordered to provide H.I.: a. NCP's H.I. cost from Line H = \$	b. CP's Li	ne B percentage						
		c. Multiply NCP's Line H x CP's Line B =	- \$ (amou	nt to subtract from 1	NCP line G to get to line J)					
J.		eline amount of child support for NCP								
		f only CP provides H.I.: line G plus line I.1.								
		Fonly NCP provides H.I.: line G minus line I.2.								
		f both provide H.L.: line G plus line I.1 minus line I.2.								
		f neither parent provides H.I.: enter the amount								
		rom line G.								
	_			\$						
		aordinary Visitation Credit								
	_	if court-ordered visitation exceeds 127 overnight								
	K.	NCP's basic support obligation before heal insurance (Amount from line G.)	ltn	\$						
	L.	Number of court-ordered visitation	on	Ψ						
		overnights with NCP								
	М.	Extraordinary visitation credit percenta								
			5% credit (0.15) 0% credit (0.20)							
		If line L above is 167 or more overnights: 25	5% credit (0.25)							
		(But less than joint [equally shared] physical		%						
	N.	Extraordinary visitation credit (Multiply line K by line M.)		\$						

O.	Guideline amount of child support (after credit for extraordinary visitation) (Line J minus line N.) (However, the guideline amount of support must not be less than \$30 for one child or \$50 for two or more children.)	\$	
	d Care Expense Variance under rule 9.1 greed by the parties and approved or determined by		
P.	NCP's guideline amount of child support (Amount from line J above [or line O, if applicable].)	\$	
Q.	Amount of variance for child care expenses	\$	
R.	Adjusted amount of child support (Line P plus line Q.)	\$	

9.14(3) *Joint physical care.* In cases of court-ordered joint (equally shared) physical care, child support shall be calculated as shown below in the Joint (Equally Shared) Physical Care Method of Child Support Computation grid. Offset is a method of payment of each parent's guideline amount of child support and the net difference shall be paid by the party with the higher child support obligation unless variance is warranted under rule 9.11. An allocation between the parties for payment of the child(ren)'s expenses ordered pursuant to Iowa Code section 598.41(5)(a) is an obligation in addition to the child support amount calculated pursuant to this rule and is not child support.

	Joint (Equally Shared) Physical Care Metl	nod of Child S	-	10
		Custodial Parent 1 (CP 1)	Custodial Parent 2 (CP 2)	Combined
		(name)	(name)	
A.	Adjusted net monthly income	\$	\$	\$
B.	Proportional share of income	%	%	100%
C.	Number of children for whom support is sought			
D.	Basic support obligation before health insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations—use combined incomes because the low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support			
	computations.)			\$
E.	Each parent's basic primary care amount before health insurance (Multiply line B by line D for each parent.)	\$	\$	
F.	Each parent's share of joint physical care support			
	(Multiply line E by 1.5 for each parent to account for			
	extra costs for two residences.)	\$	\$	
G.	Each parent's joint physical care support obligation before health insurance (Multiply line F by .5 for each parent to account for			
	50% of time spent with each parent.)	\$	S	
H.	Allowable child(ren)'s portion of health			2
11.	insurance premium*			
	(Enter the amount calculated pursuant to rule 9.14(5).) (Area A: *The health insurance adjustment does not apply if either parent's net income on line A falls within the low-income shaded Area A of the Schedule of Basic Support Obligations. Enter N/A for each parent on this line. Do not complete line I.) (Area B or C: If the basic support obligation on Line G falls within Area B or Area C, enter the allowable child(ren)'s portion of the health insurance premium on this line under the parent being ordered to provide it. Do not skip line I.) (For step-parent provided insurance, see rule 9.14(5).)	\$	\$	
I.	Health insurance add-on to each parent's			
	obligation (calculated below in 1 and 2) 1. If CP 1 will be ordered to provide H.I.	\$	\$	
	Step 1. CP 1's H.I. cost from line H = \$		ine B percentage	
	Step 3. Multiply CP 1's cost x CP 2's line B = 2. If CP 2 will be ordered to provide H.I. Step 1. CP 2's H.I. cost from line H = \$		ert on CP 2's line I ine B percentage	
	Step 3. Multiply CP 2's line H x CP 1's line B =		ert on CP 1's line	
J.	Guideline amount of child support (Line G plus line I for each parent.)	\$	\$	
K.	Net amount of child support for joint physical care after offset			

(Subtract smaller amount on line J from larger amount		
on line J. Parent with larger amount on line J pays the		
other parent the difference, as a method of payment.		
If either parent receives assistance through the Family		
Investment Program [FIP], the other parent's		
obligation reverts to the amount on line J.)	\$ \$	

- **9.14(4)** Split or divided physical care. In the cases of court-ordered split or divided physical care, child support shall be calculated in the following manner: determine the amount of child support required by these guidelines for each party based on the number of children in the physical care of the other party; offset the two amounts as a method of payment; and the net difference shall be paid by the party with the higher child support obligation unless variance is warranted under rule 9.11.
- **9.14(5)** Health insurance premium. In calculating child support, the allowable child(ren)'s portion of the health insurance premium is prorated between the parents and used to adjust the basic support obligation as provided in this rule.
- a. This subrule applies if the parent is ordered to provide health insurance for the child(ren) in the pending action and it is either deducted from wages of the parent or stepparent or paid by the parent or stepparent.
- b. The allowable child(ren)'s portion of the health insurance premium will be calculated as follows:
- (1) For a health benefit plan covering multiple individuals, including the child(ren) in the pending action, the allowable child(ren)'s portion is the amount of the premium cost for such coverage to the parent or stepparent that is in excess of the premium cost for single coverage, divided by the number of individuals enrolled in the health benefit plan, excluding the person providing the insurance, and then multiplied by the number of children who are the subject of the pending action.
- (2) For a health benefit plan covering only the child(ren) in the pending action, the entire premium will be used as the allowable child(ren)'s portion of the health insurance premium.
- c. However, a health insurance premium is not prorated and used to adjust the basic support obligation if the basic support obligation is in low-income (shaded) Area A of the schedule in rule 9.26 unless variance is warranted under rule 9.11.
- d. If the child(ren) is (are) covered by the health insurance of a stepparent, the allowable child(ren)'s portion of the health insurance premium will be prorated between the parents and used to adjust the basic support obligation unless a parent objects. If a parent objects, the court will decide the issue based on its determination of whether it would be equitable to the parties and the child(ren).
- **9.14(6)** Step-down provisions. For cases with multiple children, the support order shall include a step-down provision to automatically adjust the child support amount as the number of children entitled to support changes, unless subsequently modified by the court.

[Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019]

Rules 9.15 to 9.25 Reserved.

Rule 9.26 Child Support Guidelines Schedule.

Schedule of Basic Support Obligations

Iowa

Schedule of Basic Support Obligations

1. Area A: Except as provided in 2, only the noncustodial parent's income is used in Area A of the shaded area (\$0 to \$1150) in accordance with the low-income adjustment.

Area B: Two calculations are required in Area B of the low-income shaded area (between \$1151 and \$1800 for one child, between \$1151 and \$2150 for two children, between \$1151 and \$2350 for three children, between \$1151 and \$2400 for four children, and between \$1151 and \$2650 for five or more children).

Calculation 1 is the same as the Area A calculation.

Calculation 2 uses the parents' combined incomes.

The guidelines amount is the lower of the two calculations.

Area C: Nonshaded area. The parents' combined incomes are used in the remaining (nonshaded) area of the schedule.

- 2. In joint (equally shared) physical care cases, regardless of whether a parent is low income, use the parents' combined incomes in the shaded and nonshaded areas of the schedule.
- 3. For combined net monthly incomes above \$25,000, the amount of the basic support obligation is deemed to be within the sound discretion of the court or the agency setting support by administrative order but shall not be less than the basic support obligation for combined net monthly incomes equal to \$25,000.

		Adjuste	d	One			Two	More		Three			Four	100		ve or M	
Ne	t Inc	come		Child		Children		Children			Children		1	Children			
			12.0	Ar	ea A	L-L	ow Inc	om	e A	djustmen	t				i		
0	2	100		30	//	1	50		//	50	//	//	50	1	//	50	1
101		200		30			50			50	//	1	50		//	50	1
201	-	300		31		/	50			50	//	7	55		//	60	
301	-	400		42			58		//	66	//		73		//	80	
401		500		52		7	72		1	82	//	//	91	1	1	100	1
501	-	600		62			87			99			109			120	
601	-	700		73			101			115	//		128			140	
701	-	800		83			116			132			146		//	160	1
801	=	850		88			123			140	//	1	155	//	//	170	1
851	-	900		94	1	/	130			148	1	/	164	11	//	180	
901	-	950		99		7	138			156	1		173		//	190	
951	-	1000		104			145			164	/	//	182	1	/	200	
1001	-	1050		109		/	152	1	1	173	//	//	192	1	//	210	/
1051	-	1100		114	1	/	159	1	7	181	//	//	201	1	//	220	1
1101	-	1150		120			167			189	1	1	210	1	1	230	1

Area B – Low-Income Adjustment																		
1151	-	1200			145			197			222			242			267	
1201	=	1250			170			227			254			275			305	
1251	-	1300			195			257			287			307			342	
1301	-	1350			220			287			319			340			380	
1351	-	1400			245			317			352	-		372			417	
1401	1	1450			270			347			384	a L		405			455	
1451	-	1500			295			377			417			437			492	
1501	-	1550			320			407			449			470			530	
1551	=	1600			345			437			482			502			567	
1601	8	1650			370			467			514			535			605	
1651	-	1700			395			497			547			567			642	
1701	-	1750			420			527			579			600			680	
1751	5	1800			444			557			612			632			717	
1801	8	1850			456*			587			644			665			755	
1851	-	1900			468			617			677			697			792	
1901	-	1950	_		480			647			709			730			830	
1951 2001	-	2000 2050	_		492 504			677 707			742 774	=		762 795	F		867 891	
2051	- 5	2100			516			737			807			827			913	=
2101	-	2150	-		528			765			839			860			935	=
2151	-	2200			539			782*	_		872	=		892			957	
2201	-	2250			551			799			904	0 7		925			979	
2251	-	2300			563			816			937			957			1001	
2301	_	2350			575			833			969			990			1023	
2351	1	2400			587			850			1001*			1021			1045	
2401	-	2450			599			867			1021			1043*			1067	
2451	-	2500			611			885			1041			1064			1089	
2501	-	2550			623			902			1062			1086			1111	
2551	2	2600			635			920			1083			1107			1133	
2601	=	2650			647			937			1104			1129			1155	
						A	rea	C-No	nsl	ıad	ed Area*							
2651	=	2700			660			955			1125			1150			1177*	
2701	-	2750			672			973			1146			1172			1199	
2751	-	2800			684			990			1166			1193			1221	
2801	-	2850			696			1008			1187			1215			1243	
2851	E	2900			708			1025			1208			1236			1265	
2901	-	2950			720			1043			1229		8	1258			1287	
2951	-	3000			732			1061			1250		_	1279			1309	
3001	=	3050			744			1078			1271			1301		_	1331	
3051	-	3100			757			1096			1291			1322			1353	
3101	-	3150			769			1113			1312	75	_	1344			1375	
3151	-	3200			781			1131			1333		_	1365			1397	
3201	5	3250			790			1144			1347			1387			1419	
3251	. =	3300			799			1157			1361		-	1408			1441	

			_					
3301		3350		809	1169	1375	1430	1463
3351		3400		818	1182	1390	1451	1485
3401		3450		827	1195	1404	1473	1507
3451	-	3500		837	1207	1418	1494	1529
3501	320	3550		846	1220	1432	1516	1551
3551		3600		855	1233	1446	1537	1573
3601		3650		865	1246	1460	1559	1595
3651		3700		873	1257	1473	1580	1617
3701		3750		879	1266	1484	1598	1639
3751	-	3800		884	1274	1494	1616	1661
3801	-	3850		890	1283	1504	1635	1683
3851	-	3900		896	1291	1514	1653	1705
3901	-	3950		901	1299	1524	1671	1727
3951	J.E.	4000		907	1308	1534	1689	1749
4001	-	4050		913	1316	1545	1708	1 <i>7</i> 71
4051	-	4100		918	1325	1555	1726	1793
4101	8	4150		924	1333	1565	1744	1815
4151	-	4200		930	1342	1575	1759	1837
4201	(4)	4250		936	1350	1584	1770	1859
4251		4300		942	1359	1594	1780	1881
4301	-	4350		948	1367	1604	1791	1903
4351	(₩ 5	4400		954	1376	1613	1802	1925
4401	3=6	4450		961	1384	1623	1813	1947
4451	H	4500		967	1393	1632	1823	1969
4501		4550		973	1401	1642	1834	1991
4551	100	4600		979	1410	1652	1845	2013
4601	120	4650		985	1418	1661	1856	2035
4651	-	4700		989	1424	1667	1862	2048
4701	æs	4750		993	1428	1671	1867	2053
4751	-	4800		997	1432	1675	1871	2058
4801		4850		1000	1437	1679	1876	2063
4851	-	4900		1004	1441	1683	1880	2068
4901	-	4950		1007	1445	1687	1885	2073
4951	120	5000		1011	1450	1691	1889	2078
5001	. 8	5050		1014	1454	1695	1894	2083
5051	-	5100		1018	1458	1699	1898	2088
5101	-	5150		1021	1462	1703	1903	2093
5151	-	5200		1026	1469	1710	1910	2101
5201	-	5250		1031	1475	1718	1919	2110
5251	-	5300		1035	1481	1725	1927	2119
5301	-	5350		1040	1488	1732	1935	2128
5351		5400		1044	1494	1739	1943	2137
5401		5450		1049	1501	1747	1951	2146
5451	-	5500		1053	1507	1754	1959	2155
5501	-	5550		1058	1513	1761	1967	2164
5551	-	5600		1063	1520	1768	1975	2173
5601	=	5650		1067	1526	1776	1983	2182

5651	-	5700		1072	1532	1783	1992	2191
5701	-	5750		1076	1539	1790	2000	2200
5751		5800		1081	1545	1797	2008	2209
5801	<u>_</u> 2	5850		1086	1552	1805	2016	2217
5851	-	5900		1090	1558	1812	2024	2227
5901	-	5950		1096	1565	1820	2033	2237
5951	-8	6000		1101	1573	1828	2042	2247
6001	-	6050		1106	1580	1836	2051	2256
6051	-	6100		1112	1587	1845	2060	2266
6101		6150		1117	1595	1853	2069	2276
6151	1	6200		1122	1602	1861	2078	2286
6201	-	6250		1128	1609	1869	2088	2296
6251	-	6300		1133	1616	1877	2097	2306
6301	188	6350		1138	1624	1885	2106	2316
6351		6400		1144	1631	1893	2115	2326
6401		6450		1149	1638	1901	2124	2336
6451	-	6500		1154	1646	1909	2133	2346
6501	-	6550		1160	1653	1917	2142	2356
6551	***	6600		1165	1660	1926	2151	2366
6601		6650		1170	1667	1934	2160	2376
6651	=	6700		1175	1675	1942	2170	2387
6701	-	6750		1180	1682	1951	2179	2397
6751	(-)	6800		1185	1689	1959	2188	2407
6801	-	6850		1190	1696	1968	2198	2418
6851	-	6900		1196	1704	1976	2207	2428
6901	123	6950		1201	1711	1985	2217	2438
6951	-	7000		1206	1718	1993	2226	2449
7001	*	7050		1211	1725	2002	2236	2459
7051	128	7100		1216	1733	2010	2245	2470
7101	3	7150		1221	1740	2018	2255	2480
7151		7200		1226	1747	2027	2264	2490
7201	-	7250		1231	1754	2035	2273	2501
7251	-	7300		1236	1762	2044	2283	2511
7301		7350		1241	1769	2052	2292	2522
7351		7400		1246	1776	2060	2301	2531
7401	<u></u>	7450	- 1	1251	1783	2068	2310	2541
7451	-	7500		1256	1790	2076	2318	2550
7501	-	7550		1262	1797	2083	2327	2560
7551	-	7600		1267	1804	2091	2336	2569
7601	-	7650		1272	1811	2099	2344	2579
7651	=	7700		1277	1818	2107	2353	2588
7701		7750		1282	1824	2114 2122	2362	2598
7751	-	7800		1287	1831	RAVING COMMY	2370	2607
7801	-	7850		1292	1838	2130	2379	2617
7851	770	7900 7950		1297	1845 1852	2138 2145	2388 2396	2627
7901	1.5	789034474794-0557		1302	50.44030.042	[CP 1/ //Pp/050/590	681 x 6/1876 A 77,533A	2636
7951	-	8000		1307	1859	2153	2405	2646

8001		8050	1312	1866	2161	2414	2655
8051	-	8100	1317	1873	2169	2422	2665
8101	-	8150	1322	1880	2176	2431	2674
8151	200	8200	1327	1887	2184	2440	2684
8201	-	8250	1332	1894	2192	2448	2693
8251	-	8300	1337	1901	2200	2457	2703
8301	-	8350	1342	1908	2208	2466	2713
8351	-	8400	1347	1915	2217	2476	2724
8401	-	8450	1352	1923	2225	2486	2734
8451	-	8500	1357	1930	2234	2496	2745
8501	-	8550	1362	1937	2243	2505	2756
8551	-	8600	1367	1945	2252	2515	2767
8601	-	8650	1372	1952	2260	2525	2777
8651	i	8700	1378	1959	2269	2535	2788
8701	-	8750	1383	1967	2278	2544	2799
8751	<u></u>	8800	1388	1974	2287	2554	2810
8801	-	8850	1393	1982	2295	2564	2820
8851	-	8900	1398	1989	2304	2574	2831
8901	-	8950	1403	1996	2313	2584	2842
8951		9000	1408	2004	2322	2593	2853
9001	-	9050	1413	2011	2331	2603	2863
9051	-	9100	1418	2019	2339	2613	2874
9101	747	9150	1423	2026	2348	2623	2885
9151		9200	1428	2033	2357	2633	2896
9201		9250	1434	2041	2366	2642	2907
9251		9300	1439	2048	2374	2652	2917
9301	=	9350	1442	2052	2379	2657	2923
9351	-	9400	1444	2056	2383	2662	2928
9401	-	9450	1447	2059	2387	2666	2933
9451	ı	9500	1449	2063	2391	2671	2938
9501	-	9550	1452	2067	2395	2675	2943
9551		9600	1454	2070	2399	2680	2948
9601	-	9650	1457	2074	2403	2684	2953
9651		9700	1460	2077	2407	2689	2958
9701	-	9750	1462	2081	2411	2693	2963
9751	Ξ	9800	1465	2085	2415	2698	2968
9801		9850	1467	2088	2419	2702	2972
9851	-	9900	1470	2092	2423	2707	2977
9901	-	9950	1473	2095	2427	2711	2982
9951	-	10000	1475	2099	2431	2716	2987
10001	-	10050	1478	2103	2435	2720	2992
10051	-	10100	1480	2106	2439	2725	2997
10101	-	10150	1483	2110	2443	2729	3002
10151	3	10200	1486	2113	2447	2734	3007
10201	_	10250	1488	2117	2451	2738	3012
10251	-	10300	1491	2121	2456	2744	3018
10301	=	10350	1496	2127	2463	2751	3026

10251	î.	10.400		1500	0122	2460	2750	2024
10351	ā	10400		1500	2133	2469	2758	3034
10401	-	10450		1504	2139	2476	2765	3042
10451	-	10500		1508	2144	2482	2772	3050
10501	<u>.</u>	10550		1513	2150	2488	2780	3057
10551	Ħ	10600		1517	2156	2495	2787	3065
10601	-	10650		1521	2162	2501	2794	3073
10651	-	10700		1526	2168	2508	2801	3081
10701	21E	10750		1530	2173	2514	2808	3089
10751	-	10800		1534	2179	2521	2816	3097
10801	-	10850		1538	2185	2527	2823	3105
10851	- S	10900		1543	2191	2533	2830	3113
10901	¥	10950		1547	2197	2540	2837	3121
10951	-	11000		1551	2202	2546	2844	3129
11001	-	11050		1556	2208	2553	2851	3137
11051	-	11100		1560	2214	2559	2859	3145
11101	-	11150		1564	2220	2566	2866	3152
11151	-	11200		1569	2226	2572	2873	3160
11201	£	11250		1573	2232	2579	2880	3168
11251	- 2	11300		1577	2237	2585	2887	3176
11301	-	11350		1581	2243	2591	2895	3184
11351		11400		1586	2249	2598	2902	3192
11401	<u>a</u>	11450		1590	2255	2604	2909	3200
11451	- 50	11500	H	1594	2261	2611	2916	3208
11501		11550	Н	1599	2267	2618	2925	3217
11551		11600	-	1604	2274	2626	2933	3227
11601	, E	11650		1608	2281	2634	2942	3236
11651		11700	- 4	1613	2287	2642	2951	3246
11701	-	11750		1618	2294	2650	2960	3256
11751	=	11800		1623	2301	2657	2968	3265
11801	-	11850		1623	2308	2665	2977	3275
LINEST GLOSLES CO.				100,075,175	20 2000 20000	2673	2986	325 3377
11851	-	11900	-	1632	2314	WEXCOLD X1075	and contractions.	3284
11901	- E	11950		1637	2321	2681	2995	3294
11951	F	12000		1642	2328	2689	3003	3304
12001	-	12050		1646	2335	2696	3012	3313
12051	=	12100		1651	2341	2704	3021	3323
12101	-	12150		1656	2348	2712	3029	3332
12151	=	12200		1661	2355	2720	3038	3342
12201	-	12250		1665	2362	2728	3047	3352
12251	Ē.	12300		1670	2368	2735	3056	3361
12301	8	12350		1675	2375	2743	3064	3371
12351	-	12400		1680	2382	2751	3073	3380
12401	=	12450		1684	2389	2759	3082	3390
12451	<u>=</u>	12500		1689	2395	2767	3090	3399
12501	=	12550		1694	2402	2775	3099	3409
12551	-	12600		1699	2409	2782	3108	3419
12601	Ē	12650		1703	2416	2790	3117	3428
12651	ê	12700		1708	2422	2798	3125	3438

12701		12750		1713	2429	2806	3134	3447
12751	-	12800		1718	2436	2814	3143	3457
12801	-	12850		1722	2443	2821	3151	3467
12851	20	12900		1727	2450	2829	3160	3476
12901	8	12950		1732	2456	2837	3169	3486
12951	-	13000		1737	2463	2845	3178	3495
13001	=	13050		1741	2470	2853	3186	3505
13051	120	13100		1746	2477	2860	3195	3515
13101	-	13150		1751	2483	2868	3204	3524
13151	-	13200		1756	2490	2876	3212	3534
13201		13250		1760	2497	2884	3221	3543
13251	-	13300		1765	2504	2892	3230	3553
13301	1800	13350		1770	2510	2899	3239	3563
13351	-	13400		1775	2517	2907	3247	3572
13401	20	13450		1779	2524	2915	3256	3582
13451	-	13500		1783	2529	2921	3263	3589
13501	-	13550		1787	2534	2926	3269	3596
13551	=	13600		1790	2539	2932	3275	3603
13601		13650		1794	2544	2937	3281	3609
13651		13700		1797	2549	2943	3287	3616
13701	-	13750		1801	2554	2949	3293	3623
13751	140	13800		1804	2558	2954	3300	3630
13801	100	13850		1808	2563	2960	3306	3636
13851	-	13900		1812	2568	2965	3312	3643
13901	-	13950		1815	2573	2971	3318	3650
13951	140	14000		1819	2578	2976	3324	3657
14001	_	14050	,	1822	2583	2982	3330	3663
14051	-	14100		1826	2588	2987	3337	3670
14101	-	14150		1829	2593	2993	3343	3677
14151	-	14200		1833	2598	2998	3349	3684
14201	-	14250		1836	2603	3004	3355	3691
14251	-	14300		1840	2608	3009	3361	3697
14301	-	14350		1844	2612	3015	3367	3704
14351	8	14400		1847	2617	3020	3374	3711
14401	=1	14450		1851	2622	3026	3380	3718
14451	-	14500		1854	2627	3031	3386	3724
14501	٠	14550		1858	2632	3037	3392	3731
14551	-	14600		1861	2637	3042	3398	3738
14601	-8	14650		1865	2642	3048	3404	3745
14651	-	14700		1868	2647	3053	3410	3752
14701	Ξ	14750		1872	2652	3059	3417	3758
14751	=	14800		1876	2657	3064	3423	3765
14801	140	14850		1879	2661	3070	3429	3772
14851	-	14900		1883	2666	3075	3435	3779
14901	-	14950		1886	2671	3081	3441	3785
14951	-	15000		1890	2676	3086	3447	3792
15001	3 = 8	15050		1893	2681	3092	3454	3799

15051	æ	15100		1897	2686	3097	3460	3806
15101	7.m.	15150		1900	2691	3103	3466	3812
15151	8	15200		1904	2696	3108	3472	3819
15201		15250		1907	2701	3114	3478	3826
15251		15300		1911	2706	3119	3484	3833
15301		15350		1915	2710	3125	3491	3840
15351		15400		1918	2715	3130	3497	3846
15401	4	15450		1922	2720	3136	3503	3853
15451		15500		1925	2725	3141	3509	3860
15501		15550		1929	2730	3147	3515	3867
15551		15600		1932	2735	3152	3521	3873
15601	85	15650		1936	2740	3158	3527	3880
15651		15700		1939	2745	3163	3534	3887
15701	-	15750		1943	2750	3169	3540	3894
15751	1	15800		1947	2755	3175	3546	3901
15801	355	15850		1950	2760	3180	3552	3907
15851		15900		1954	2764	3186	3558	3914
15901		15950		1957	2769	3191	3564	3921
15951		16000		1961	2774	3197	3571	3928
16001		16050		1964	2779	3202	3577	3934
16051	2	16100		1968	2784	3208	3583	3941
16101		16150		1971	2789	3213	3589	3948
16151		16200		1975	2794	3219	3595	3955
16201	8	16250		1978	2799	3224	3601	3961
16251		16300		1982	2804	3230	3607	3968
16301	=	16350	,	1986	2809	3235	3614	3975
16351	-	16400		1989	2813	3241	3620	3982
16401	22	16450		1993	2818	3246	3626	3989
16451	æ.	16500		1996	2823	3252	3632	3995
16501		16550		2000	2828	3257	3638	4002
16551	-	16600		2003	2833	3263	3644	4009
16601	1	16650		2007	2838	3268	3651	4016
16651	15	16700		2010	2843	3274	3657	4022
16701	-	16750		2014	2848	3279	3663	4029
16751	1	16800	٠,	2018	2853	3285	3669	4036
16801	-	16850		2021	2858	3290	3675	4043
16851	o ≡	16900		2025	2863	3296	3681	4050
16901	-	16950		2028	2867	3301	3688	4056
16951		17000		2032	2872	3307	3694	4063
17001	-	17050		2035	2877	3312	3700	4070
17051	7 14	17100		2039	2882	3318	3706	4077
17101	Œ	17150		2042	2887	3323	3712	4083
17151	-	17200		2046	2892	3329	3718	4090
17201	3.	17250		2050	2897	3334	3724	4097
17251	200	17300		2053	2902	3340	3731	4104
17301	Æ	17350		2057	2907	3345	3737	4110
17351		17400		2060	2912	3351	3743	4117

17401	-:	17450	2064	2916	3356	3749	4124
17451	-	17500	2067	2921	3362	3755	4131
17501	<u>=</u> 2	17550	2071	2926	3367	3761	4138
17551	20	17600	2074	2931	3373	3768	4144
17601	-0	17650	2078	2936	3378	3774	4151
17651	-	17700	2081	2941	3384	3780	4158
17701	-	17750	2085	2946	3389	3786	4165
17751	Ξū	17800	2089	2951	3395	3792	4171
17801	-	17850	2092	2956	3401	3798	4178
17851	-	17900	2096	2961	3406	3805	4185
17901	-	17950	2099	2965	3412	3811	4192
17951		18000	2103	2970	3417	3817	4199
18001		18050	2106	2975	3423	3823	4205
18051	=	18100	2110	2980	3428	3829	4212
18101	3)	18150	2113	2985	3434	3835	4219
18151	-0	18200	2117	2990	3439	3841	4226
18201		18250	2121	2995	3445	3848	4232
18251	8	18300	2124	3000	3450	3854	4239
18301	.	18350	2128	3005	3456	3860	4246
18351	-	18400	2131	3010	3461	3866	4253
18401	20	18450	 2135	3015	3467	3872	4259
18451	-6	18500	2138	3019	3472	3878	4266
18501	50)	18550	2142	3024	3478	3885	4273
18551	= :	18600	2145	3029	3483	3891	4280
18601	9	18650	2149	3034	3489	3897	4287
18651		18700	2153	3039	3494	3903	4293
18701		18750	2156	3044	3500	3909	4300
18751		18800	2160	3049	3505	3915	4307
18801		18850	2163	3054	3511	3922	4314
18851	=0	18900	2167	3059	3516	3928	4320
18901	*	18950	2170	3064	3522	3934	4327
18951	-	19000	2174	3068	3527	3940	4334
19001	-	19050	2177	3073	3533	3946	4341
19051	-	19100	2181	3078	3538	3952	4348
19101 19151	-0	19150	2184	3083 3088	3544	3958	4354
19131	Ħ	19200 19250	2188 2192	3088	3549 3555	3965 3971	4361 4368
19201	-	19300	2192	3098	3560	3977	4308
19231	9277	19350	2193	3103	3566	3983	4373
19301	200	19330	2202	3108	3571	3989	4388
19401	(2U)	19450	2202	3113	3577	3995	4395
19451	920	19500	2209	3118	3582	4002	4402
19501	20	19550	2213	3122	3588	4008	4408
19551	-0	19600	2216	3127	3593	4014	4415
19601	-	19650	2220	3132	3599	4020	4422
19651	20	19700	2224	3137	3604	4026	4429
19701	<u>-</u>	19750	2227	3142	3610	4032	4436

19751	-0	19800	П	2231	3147	3615	4038	4442
19801	=	19850		2234	3152	3621	4045	4449
19851	-	19900		2238	3157	3626	4051	4456
19901	-	19950		2241	3162	3632	4057	4463
19951	-	20000		2245	3167	3638	4063	4469
20001	20	20050		2248	3171	3643	4069	4476
20051	-	20100		2252	3176	3649	4075	4483
20101	-	20150	Ħ	2256	3181	3654	4082	4490
20151	-	20200		2259	3186	3660	4088	4497
20201	20	20250		2263	3191	3665	4094	4503
20251	-	20300		2266	3196	3671	4100	4510
20301	-	20350		2270	3201	3676	4106	4517
20351		20400		2273	3206	3682	4112	4524
20401		20450		2277	3211	3687	4119	4530
20451	-	20500		2280	3216	3693	4125	4537
20501	-	20550		2284	3220	3698	4131	4544
20551	20	20600		2287	3225	3704	4137	4551
20601	-	20650		2291	3230	3709	4143	4557
20651		20700		2295	3235	3715	4149	4564
20701	=	20750		2298	3240	3720	4155	4571
20751	90	20800		2302	3245	3726	4162	4578
20801	-50	20850		2305	3250	3731	4168	4585
20851	-	20900		2309	3255	3737	4174	4591
20901	20	20950		2312	3260	3742	4180	4598
20951	Œ.	21000		2316	3265	3748	4186	4605
21001	-	21050		2319	3270	3753	4192	4612
21051	ï	21100		2323	3274	3759	4199	4618
21101	=	21150		2327	3279	3764	4205	4625
21151	-	21200		2330	3284	3770	4211	4632
21201	-	21250		2334	3289	3775	4217	4639
21251	20	21300		2337	3294	3781	4223	4646
21301	€.	21350		2341	3299	3786	4229	4652
21351	•	21400		2344	3304	3792	4236	4659
21401		21450		2348	3309	3797	4242	4666
21451	-	21500		2351	3314	3803	4248	4673
21501	5 0	21550		2355	3319	3808	4254	4679
21551	-	21600		2359	3323	3814	4260	4686
21601	-	21650		2362	3328	3819	4266	4693
21651	•	21700		2366	3333	3825	4272	4700
21701	= 5	21750		2369	3338	3830	4279	4706
21751	-	21800		2373	3343	3836	4285	4713
21801	-	21850		2376	3348	3841	4291	4720
21851	50	21900	Ε,	2380	3352	3846	4296	4725
21901	=	21950		2383	3357	3850	4300	4729
21951	-	22000		2387	3361	3855	4304	4734
22001		22050		2390	3366	3859	4309	4738
22051	77.0	22100	L,	2394	3370	3863	4313	4742

22101		22150	2397	3374	3867	4317	4747
22151	-	22200	2401	3379	3872	4321	4751
22201	-	22250	2404	3383	3876	4326	4755
22251	-	22300	2408	3388	3880	4330	4760
22301	-	22350	2412	3392	3884	4334	4764
22351	-	22400	2415	3396	3889	4339	4768
22401	147	22450	2419	3401	3893	4343	4773
22451	-	22500	2422	3405	3897	4347	4777
22501	÷	22550	2426	3409	3902	4352	4781
22551	-	22600	2429	3414	3906	4356	4786
22601	-	22650	2433	3418	3910	4360	4790
22651	•	22700	2436	3423	3914	4364	4794
22701	-	22750	2440	3427	3919	4369	4799
22751	-	22800	2443	3431	3923	4373	4803
22801	-	22850	2447	3436	3927	4377	4807
22851	-	22900	2450	3440	3931	4382	4811
22901	100	22950	2454	3445	3936	4386	4816
22951	34 :	23000	2457	3449	3940	4390	4820
23001	2	23050	2461	3453	3944	4395	4824
23051	-	23100	2464	3458	3949	4399	4829
23101	-	23150	2468	3462	3953	4403	4833
23151	:=7	23200	2471	3466	3957	4407	4837
23201	-	23250	2475	3471	3961	4412	4842
23251	-	23300	2478	3475	3966	4416	4846
23301	-	23350	2482	3480	3970	4420	4850
23351	-	23400	2485	3484	3974	4425	4855
23401	÷	23450	2489	3488	3978	4429	4859
23451	-	23500	2493	3493	3983	4433	4863
23501	=	23550	2496	3497	3987	4438	4868
23551	-	23600	2500	3502	3991	4442	4872
23601	-	23650	2503	3506	3996	4446	4876
23651	·=:	23700	2507	3510	4000	4450	4881
23701	-	23750	2510	3515	4004	4455	4885
23751	-	23800	2514	3519	4008	4459	4889
23801	-	23850	2517	3523	4013	4463	4894
23851	-	23900	2521	3528	4017	4468	4898
23901	3=0	23950	2524	3532	4021	4472	4902 4907
23951	-	24000	2528	3537	4025	4476	
24001 24051	-	24050 24100	2531 2535	3541 3545	4030 4034	4480 4485	4911 4915
24101		24100	2538	3550	4034	4489	4913
24101	-	24130	2542	3554	4038	4489	4920
24201	.55	24250	2545	3558	4043	4498	4924
24201	-	24300	2549	3563	4047	4502	4928
24301	-	24350	2552	3567	4055	4506	4937
24351	-51	24400	2556	3572	4060	4511	4941
24401	_	24450	2559	3576	4064	4515	4946
2.101		2.100		0070	1001	1010	12 10

24451	1	24500	2563	3580	4068	4519	4950
24501	-	24550	2567	3585	4072	4523	4954
24551	1	24600	2570	3589	4077	4528	4959
24601	-	24650	2574	3594	4081	4532	4963
24651	-	24700	2577	3598	4085	4536	4967
24701	•	24750	2581	3602	4090	4541	4972
24751	-	24800	2584	3607	4094	4545	4976
24801	·	24850	2588	3611	4098	4549	4980
24851	1	24900	2591	3615	4102	4554	4985
24901	-	24950	2595	3620	4107	4558	4989
24951	-	25000	2598	3624	4111	4562	4993

[Court Order March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013]

Rule 9.27 Child Support Guidelines Worksheets. Rule 9.27 — Form 1: *Child Support Guidelines Worksheet*.

Form 1 Child Support Guidelines Worksheet

. Net Monthly Income of Petitioner (Name)	
A. Sources and Amounts of Annual Income:	\$ \$
plus/minus spousal support payments per rule 9.5(1) Total:	\$ <
3. Federal Tax Deduction:	
Gross annual taxable income (\$ untaxed)	\$
less ½ self employment (FICA) tax	<>
less federal adjustments to income	<>
less personal exemptions: self + (list number of dependents claimed)	>
less standard deduction	
single [] head of household [] married filing separate []	<>
Net taxable income – federal	\$
Federal tax liability (from tax table)	<>
Federal tax credit for dependent children	+
Final federal tax liability	<
C. State Tax Deduction:	
Gross annual taxable income	\$
less ½ self employment (FICA) tax	<>
less state adjustments to income	<>
less federal tax liability (adjusted for dependent tax credit)	<>
less standard deduction	
single [] head of household [] married filing separate []	<>
Net taxable income – state	\$
State tax liability (from tax table) \$ >	
plus school district surtax (%)	
Final state tax liability	<
D. Social Security and Medicare Tax / Mandatory Pension Deduction:	
Annual earned income	\$
Applicable rate (7.65% or 15.3%, as adjusted)	x
Annual Social Security and Medicare tax liability or mandatory pension	<u> </u>
(For employees not contributing to Social Security, mandatory pension deduction not to excee	ed the
current Social Security and Medicare rate for employees.)	<
C. Other Deductions (Annual):	590
Mandatory occupational license fees	<
2. Union dues	<
3. Actual medical support paid pursuant to court order or administra	ative
order in another order for other children, not the pending matter	<
4. Prior obligation of child support actually paid pursuant to court	or
administrative order	<
Deduction for additional qualified dependents	<
6. If a custodial parent, Petitioner's child care expenses (present action)	\$
less federal child care tax credit	< >
less state child care tax credit	< >
less third party reimbursements	< >
Actual child care expenses, as defined in rule 9.11A	\$
Preliminary Net Annual Income	\$

	reliminary Average Monthly Income of Petitioner	\$
	Monthly cash medical support ordered in this pending action	\
	djusted Net Monthly Income of Petitioner (Preliminary average monthly income	Ф
m	inus monthly cash medical support ordered in this action.)	a
N	et Monthly Income of Respondent (Name)	
lect	t one: [] Custodial Parent [] Noncustodial Parent [] Joint Physical Care	
100	Respondent claims child/children as tax dependents (list number claimed).	
C.	ources and Amounts of Annual Income:	
3	ources and Amounts of Amount Income.	
33		-2
221		
pı	lus/minus spousal support payments per rule 9.5(1) \$	
	Total:	<
	ederal Tax Deduction:	
	ross annual taxable income (untaxed) \$	- 5
	less ½ self employment (FICA) tax	_>
	less federal adjustments to income <	_>
	less personal exemptions: self + (list number of dependents claimed) <	_>
	less standard deduction	
	single [] head of household [] married filing separate [] <	>
N	et taxable income – federal \$	
	ederal tax liability (from tax table)	_>
	ederal tax credit for dependent children +	- ne
	inal federal tax liability	
	tate Tax Deduction:	
	ross annual taxable income \$	
12000		- 2
	less ½ self employment (FICA) tax	_>
	less state adjustments to income	_>
	less federal tax liability (adjusted for dependent tax credit)	_>
	less standard deduction	
	single [] head of household [] married filing separate [] <	_>
	fet taxable income – state \$	
St	tate tax liability (from tax table) \$ >	
	less personal and dependent credits < >	
	plus school district surtax (
	inal state tax liability	<
	ocial Security and Medicare Tax / Mandatory Pension Deduction:	
	nnual earned income \$	
	pplicable rate (7.65% or 15.3%, as adjusted) x	6
	nnual Social Security and Medicare tax liability or mandatory pension	-
	or employees not contributing to Social Security, mandatory pension deduction not to exceed the	
	urrent Social Security and Medicare rate for employees.)	<
	other Deductions (Annual):	Ž
	Mandatory occupational license fees	<i>J</i> = 1
		<u> </u>
	Union dues	
3.	Actual medical support paid pursuant to court order or administrative	
	order in another order for other children, not the pending matter	<
4.	Prior obligation of child support actually paid pursuant to court or	
	administrative order	<
	Deduction for additional qualified dependents	<
6.	If a custodial parent, Respondent's child care expenses (present action)	
	less federal child care tax credit	_>
	less state child care tax credit	>
	less third party reimbursements	_>
	Actual child care expenses, as defined in rule 9.11A	– _e
D		φ
	reliminary Net Annual Income	3
	reliminary Average Monthly Income of Respondent	2
7	Monthly cash medical support ordered in this pending action	<

 ${\bf Adjusted\ \ Net\ \ Monthly\ \ Income\ \ of\ \ Respondent\ \ ({\tt Preliminary\ \ average\ \ monthly\ income\ minus\ monthly\ cash\ medical\ support\ ordered\ in\ this\ action.)}$

4			
,			

III. Calculation of the Guideline Amount of Support (If applicable.)

			Custodial Parent (CP) [] Petitioner [] Respondent			Noncustodial Parent (NCP) [] Petitioner [] Respondent			Combined
A.	Adjusted net monthly income	\$		+	\$			\$	
В.	Proportional share of income (Also used for uncovered medical expenses.)	20	%	+		%	=	-	100%
C.	Number of children for whom support is sought	20							
D.	Basic support obligation using only NCP's adjusted net monthly income (If low-income adjustment does not apply, enter N/A.)				\$			·-	
E.	Basic support obligation using combined adjusted net monthly income (If low-income adjustment applies, enter N/A; see rule 9.3(2) and grid in rule 9.14(2).)							\$	
F.	Each parent's share of the basic support obligation using combined incomes (If low-income adjustment applies, enter N/A.)	\$			\$			_	
G.	NCP's basic support obligation before health insurance (NCP's amount from line F or low-income adjustment amount Line D.)				\$				
H.	Allowable child(ren)'s portion of health insurance premium (Calculated pursuant to rule 9.14(5).)	\$			\$				
I.	Health insurance add-on or deduction from NCP's obligation	239	+/-		\$				
J.	Guideline amount of child support for NCP (NCP's line G plus or minus NCP's line I.)				\$				
(Guideline amount of cash medical support (if ordered	()			\$				
П	I. a. Extraordinary Visitation Credit (Complete only if noncustodial parent's court-ordered v	risit	ation exceeds 127 o	vern	igl	nts per year.)			
I	 NCP's basic support obligation before health from NCP's line G.) 	in in	surance (Amount	\$_					
Ι	Number of court-ordered visitation ove noncustodial parent	rni	ghts with the	_					
1	M. Extraordinary visitation credit percentage			_		%			
1	N. Extraordinary visitation credit (Line K multiplie	d b	y Line M.)	\$_					
(Guideline amount of child support after cred visitation (Line J minus line N; not less than \$30 for two or more children.) 			\$_					
П	I. b. Child Care Expense Variance under rule 9.1 (As agreed by the parties and approved or determined by		e court.)						
Ι	P. NCP's guideline amount of child support (Amount from line J above [or line O, if applicable].)			\$					
(Q. Amount of variance for child care expenses			\$					
	Adjusted amount of child support			\$					

(Line P plus line Q.)

IV. Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support (If applicable.)

		Petitioner CP 1		Respondent CP 2	ţ		(Combined
A.	Adjusted net monthly income	\$	+	- \$		=	\$	
B.	Proportional share of income (Also used for uncovered medical expenses.)	**	%		%	Ξ		100%
C.	Number of children for whom support is sought	1.	_					
D.	Basic support obligation before health Insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations. The low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support computations.)						s _	
E.	Each parent's basic primary care amount before health insurance (Line B multiplied by line D for each parent.)	\$		\$				
F.	Each parent's share of joint physical care support (Line E multiplied by 1.5 for each parent to account for extra costs for two residences.)	\$		\$				
G.	Each parent's joint physical care support obligation before health insurance (Line F multiplied by .5 for each parent to account for 50% of time spent with each parent.)	\$	_	\$				
H.	Allowable child(ren)'s portion of health insurance premium* (Calculated pursuant to rule 9.14(5).) *If either parent's net income on line A falls within low-income shaded Area A of the Schedule of Basic Support Obligations, enter N/A. The health insurance adjustment does not apply.	\$		\$				
Ī.	Health insurance add-on to each parent's obligation (see 9.14(3).)	\$		\$				
J.	Guideline amount of child support (Each parent's line G plus each parent's line I.)	\$		\$				
K.	Net amount of child support for joint physical care after offset (Subtract smaller amount on line J from larger amount on line J. Parent with larger amount on line J pays the other parent the difference, as a method of payment. If either parent receives assistance through the Family Investment Program [FIP], the other parent's obligation reverts to the amount on line J.)	81		3				
		\$		\$				

V. Special Findings

- A. Income imputed to Petitioner Income imputed to Respondent
- B. Estimated income of Petitioner Estimated income of Respondent
- C. Deviations made from Child Support Guidelines

D. Requested	amount of child support			\$	per month
E. Split or div	ided physical care summa	ry and offset			
Guidelii Chil	ne Amount of Gr	uideline Amount of Child Support Respondent	of Child	mount Support Offset	
\$	\$_	<u> </u>	\$		
	in Child Support Obligate the child Support Obligate the children based on properties of the children based on properties the children based on the children based on properties the children based on the childr				nges
VI. a. Basic Ob	oligation (If applicable.)				
Number of children	NCP's basic support obligation (NCP's line G)*	Health insurance a on or deduction (NCP's line I)*		ordinary visitation credit (If applicable) (line N)*	Guideline amount of child support (line J or O)*
	\$ \$ \$ \$	\$ \$ \$ \$ \$	\$ \$ \$ \$		o
	ses are to Division III, Calcu				\$
Number of Children	Guideline amount child support Petitioner (CP 1 line J)* \$ \$ \$ \$ \$	of Guidelin child Respondent (CP 2)	e amount of support condent line J)*	for joint after (li	of child support physical care er offset ine K)*
Child Support so State of Iowa ss:	ces are to Division IV, Calci ection of the worksheet.)	mation of the Joint (Equa	iy Shared) Physi	cai Care Guideiine A	mount of
	he penalty of perjury and	pursuant to the laws of	the state of Iov	wa that the preceding	ng is true and
Date:			Signature)		
	d attorney for (Petitioner/ y me or at my direction in	Respondent) hereby ce	rtifies that this		
Date:			Attorney signatu	re)	

[Report November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019]

Rule 9.27 — Form 2: Child Support Guidelines Worksheet.

Form 2 Child Support Guidelines Worksheet

Date	e:				
Case	No.:		Dependent	s:	
Doc	ket No	D.1			
Nan	ie:		Name:		7
()	Noncu	stodial Parent [NCP] () Custodial Parent [CP]	() Noncus	todial Parent [NCP]	() Custodial Parent [CP]
Met	hod(s)	used to determine income:	Method(s)	used to determine	income:
		t's financial nent/verified income	() Parent statem	's financial ent/verified incon	ne
()	Other	sources	() Other	sources	
()	CSRU	J median income	() CSRU	median income	
I. A	djuste	ed Net Monthly Income Computation		Custodial Parent*	Noncustodial Parent*
				(name)	(name)
A.	Gros	ss monthly income		\$	\$
	В.	Federal income tax		\$	\$
	C.	State income tax		\$	\$
	D.	Social Security and Medicare tax / mandat deduction	ory pension	\$	\$
	E.	Mandatory occupational license fees deduction	on	\$	<u> </u>
	F.	Union dues		\$	\$
	G.	Actual medical support paid pursuant to cour administrative order in another order for othe children, not the pending matter		\$	\$
	Н.	Prior obligation of child support actually pa to court or administrative order	aid pursuant	\$	
	I.	Qualified additional dependent deductions		\$	\$
	J.	Actual child care expenses as defined in rul the custodial parent*	le 9.11A for	\$	\$
K.		iminary net income for each parent e A minus lines B through J for each parent.)		\$	\$
	L.	Cash medical support, if ordered in this pend	ling matter	\$	\$
M.	(Line	usted net monthly income e K minus line L.) ount used to calculate the guideline amount of child	support.)	\$	s
*/T.		63.3.7.4.3.3.7	II. Pi	1 1 1	

^{*(}In cases of joint physical care, use names only and designate both parents as custodial parents.)

${\bf II.} \ \, {\bf Calculation} \ \, {\bf of} \ \, {\bf the} \ \, {\bf Guideline} \ \, {\bf Amount} \ \, {\bf of} \ \, {\bf Support} \ \, ({\bf If} \ \, {\bf applicable.})$

				Custodial Parent (CP)			Noncustodial Parent (NCP)		Combined
A	A 1		ď.	(name)	-N	Ф	(name)		
		justed net monthly income	\$ _		+	\$	-	= \$_	
Ď.		portional share of income so used for uncovered medical expenses.)	-	%	+		%	=	100%
C.	Nu	mber of children for whom support is sought							
D.	adj	sic support obligation using only NCP's usted net monthly income (If low-income astment does not apply, enter N/A.)				\$			
E.	net app	sic support obligation using combined adjusted monthly income (If low-income adjustment lies, enter N/A; see rule 9.3(2) and grid in rule 4(2).)						\$_	
F.	obl	ch parent's share of the basic support igation using combined incomes (If low-income astment applies, enter N/A.)	\$_			\$			
G.	ins	P's basic support obligation before health urance (NCP's amount from line F or low-income astment amount from line D.)				\$			
Η.		owable child(ren)'s portion of health insurance mium (Calculated pursuant to rule 9.14(5).)	\$			\$			
Į.		alth insurance add-on or deduction from P's obligation		+/-		\$			
J.		ideline amount of child support for NCP							
	(NO	CP's line G plus or minus NCP's line I.)				\$			
	(0	Extraordinary Visitation Credit Complete only if noncustodial parent's court-ordered v NCP's basic support obligation before health in			7 ov	err	nights per year.)		
	-	(Amount from NCP's line G.)			-	\$			
	L.	Number of court-ordered visitation over noncustodial parent	ernig	ghts with t	the				
	M.	Extraordinary visitation credit percentage					%		
	N.	Extraordinary visitation credit (Line K multiplied by line M.)				\$	· · · · · · · · · · · · · · · · · · ·		
	O.	Guideline amount of child support (after credivisitation) (Line J minus line N; not less than \$30 for one chi			ary				
		two or more children.)				\$	ž P		

	As agreed by the parties and approved or determined by the court.)	
P.	NCP's guideline amount of child support (Amount from line J above [or line O, if applicable].)	\$
Q.	Amount of variance for child care expenses	\$
R.	Adjusted amount of child support (Line P plus line Q.)	\$

III. Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support (If applicable.)

			CP 1		CP 2		Com	bined
		ÿ <u></u>	(name)	-	(name)			
A.	Adjusted net monthly income	\$		+	\$	=	\$	
В.	Proportional share of income (Also used for uncovered medical expenses.)		%		%	: :=:	-	100%
C.	Number of children for whom support is sought	•				26		
D.	Basic support obligation before health insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations. The low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support computations.)						\$	
E.	Each parent's basic primary care amount before health insurance (Line B multiplied by line D for each parent.)	\$			\$			
F.	Each parent's share of joint physical care support (Line E multiplied by 1.5 for each parent to account for extra costs for two residences.)	\$			\$	1.) 20		
G.	Each parent's joint physical care support obligation before health insurance (Line F multiplied by .5 for each parent to account for 50% of time spent with each parent.)	\$			\$	2		
H.	Allowable child(ren)'s portion of health insurance premium* (Calculated pursuant to rule 9.14(5).) (If either parent's net income on line A falls within low-income shaded Area A of the Schedule of Basic Support Obligations, enter N/A. The health insurance adjustment does not apply.)	\$			\$	• (
I.	Health insurance add-on to each parent's obligation (See 9.14(3).)	\$			\$	•3		
J.	Guideline amount of child support (Each parent's line G plus each parent's line I.)	\$_			\$	-51		

care after (Subtract s on line J. other parer either parer Investment	offset smaller amount on line J Parent with larger amount the difference, as a meent receives assistance to the Program [FIP], the reverts to the amount on	from larger amount nt on line J pays the thod of payment. If through the Family e other parent's	\$		\$	
IV. Deviatio	ons (See attachment.)					
V. a. Recomm	nended Amount of Su	pport	\$		per	
V. b. Recomn	nended Amount of Ac	crued Support	\$		(See atta	achment.)
(For case	s in Child Support Okes with multiple children c Obligation (If applic	oased on present inco				
Number of children	NCP's basic support obligation (NCP's line G)*	Health insuran add-on or deduction (NCP's line I)*		Extraordinary visitation credit (If applicable.) (line N)*	amou sı	uideline nt of child upport e J or O)*
	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$		\$_		\$ \$ \$	
	rences are to Division II,				ort section o	of the worksheet.)
Number of children	The state of the s		Guidel chi	ine amount of ld support (name) 2 2 line J)*	_	Net amount of child support for joint physical care after offset (line K)*
	\$ \$ \$ \$	\$ \$ \$ \$		**************************************	- S	
	rences are to Division III port section of the worksh	- (2011년 1일 : 1일 : 12 : 12 : 12 : 12 : 12 : 12 :	oint (E	qually Shared) Phy	ysical Care (Guideline Amount

VII. Qualified Additional Dependent Deduction (See guidelines for the definition of this term.)

			Paternity Esta	ıblishment Me	thod	
Child's name	Whose child	Date of birth	Court/ admin. order	In court stmt. & consent	Paternity affidavit	Child born during marriage

State of Iowa ss:	
County of I certify under the penalty of perjury and pursuant to and correct.	the laws of the state of Iowa that the preceding is true
Date:	(Signature)
	(Printed name)
The undersigned attorney for Guidelines Worksheet was prepared by me or at my available to me at this time.	hereby certifies that this Child Support direction in good faith reliance upon information
Date:	(Attorney signature)
If the Child Support Recovery Unit prepared this form This Child Support Guidelines Worksheet was prepared	
(CSRU Printed name)	
Date:	

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018]

CHAPTER 10

GUIDELINES FOR THE FORFEITURE AND RESTORATION OF A BOND POSTED PURSUANT TO IOWA CODE SECTION 598.21(8A)

Rule 10.1	Cash bond
Rule 10.2	Return of bond
Rule 10.3	Hearing
Rule 10.4	Forfeiture of bond

CHAPTER 10 GUIDELINES FOR THE FORFEITURE AND RESTORATION OF A BOND POSTED PURSUANT TO IOWA CODE SECTION 598.21(8A)

Rule 10.1 Cash bond. If, during a modification action subject to the provisions of Iowa Code section 598.21(8A), the district court makes a finding that the parent awarded physical care of the child has previously interfered with the minor child's access to the other parent, the court may order the posting of a cash bond to assure future compliance with the visitation provisions of the decree. [Court Order November 9, 2001, effective February 15, 2002]

Rule 10.2 Return of bond. The court's order requiring the bond may include terms upon which the parent might apply for return of the bond after a reasonable period of compliance with the decree's visitation provisions.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 10.3 Hearing. Upon application of the parent in whose favor the bond was posted, the court may schedule a hearing to determine whether the parent with physical care has continued to interfere with visitation and if the bond should be forfeited. Reasonable notice and an opportunity to be heard shall be given to all parties.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 10.4 Forfeiture of bond. If the court finds the parent with the physical care of the child has continued to interfere with visitation, it may order the bond forfeited to the other parent and a new cash bond posted. [Court Order October 27, 1999]

[Court Order November 9, 2001, effective February 15, 2002]

CHAPTER 11 STANDARDS OF CONDUCT FOR MEDIATORS

PREAMBLE

CONSTRUCTION

Rule 11.1	Scope
Rule 11.2	Self-determination
Rule 11.3	Impartiality
Rule 11.4	Conflicts of interest
Rule 11.5	Competence
Rule 11.6	Confidentiality
Rule 11.7	Quality of the process
Rule 11.8	Advertising and solicitation
Rule 11.9	Fees and other charges
Rule 11.10	Advancement of mediation practice

CHAPTER 11 STANDARDS OF CONDUCT FOR MEDIATORS

PREAMBLE

- [1] Mediation is used to resolve a broad range of conflicts within a variety of settings. These standards are designed to serve as fundamental ethical guidelines for persons mediating in all practice contexts. The standards serve three primary goals: to guide the conduct of mediators; to inform the mediating parties; and to promote public confidence in mediation as a process for resolving disputes.
- [2] Mediation is a process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute.
- [3] Mediation serves various purposes, including providing the opportunity for parties to define and clarify issues, understand different perspectives, identify interests, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired.

CONSTRUCTION

- [1] These standards are to be read and construed in their entirety. There is no priority significance attached to the sequence in which the standards appear. The use of the term "shall" in a standard indicates that the mediator must follow the practice described. The use of the term "should" indicates that the practice described in the standard is highly desirable but not required, is to be departed from only for very strong reasons, and requires careful use of judgment and discretion.
 - [2] The use of the term "mediator" is inclusive and applies to co-mediator models.
- [3] These standards do not include specific temporal parameters when referencing a mediation, and therefore, do not define the exact beginning or ending of a mediation.
- [4] Various aspects of a mediation, including some matters covered by these standards, may also be affected by applicable law, court rules, regulations, other applicable professional rules, mediation rules to which the parties have agreed, and other agreements of the parties. These sources may create conflicts with, and may take precedence over, these standards. A mediator, however, should make every effort to comply with the spirit and intent of these standards in resolving such conflicts. This effort should include honoring all remaining standards not in conflict with these other sources.
- **Rule 11.1 Scope.** These standards apply to mediators who are lawyers licensed to practice law in Iowa, mediators who participate in any mediation program approved by a court of this state, and mediators in any matter an Iowa court order or rule requires to be mediated. [Court Order November 10, 2011, effective January 1, 2012]

Rule 11.2 Self-determination.

- 11.2(1) A mediator shall conduct a mediation based on the principle of party self-determination. Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome. Parties may exercise self-determination at any stage of mediation, including mediator selection, process design, participation in or withdrawal from the process, and outcomes.
- a. Although party self-determination for process design is a fundamental principle of mediation practice, a mediator may need to balance such party self-determination with a mediator's duty to conduct a quality process in accordance with these standards.
- b. A mediator cannot personally ensure that each party has made free and informed choices to reach particular decisions, but where appropriate, a mediator should make the parties aware of the importance of consulting other professionals to help the parties make informed choices.
- 11.2(2) A mediator shall not undermine any party's self-determination for reasons such as higher settlement rates, egos, increased fees, or outside pressures from court personnel, program administrators, provider organizations, the media, or others.

 [Court Order November 10, 2011, effective January 1, 2012]

Rule 11.3 Impartiality.

- 11.3(1) A mediator shall decline a mediation if the mediator cannot conduct it in an impartial manner. Impartiality means freedom from favoritism, bias, or prejudice.
- 11.3(2) A mediator shall conduct a mediation in an impartial manner and avoid conduct that gives the appearance of partiality.
- a. A mediator should not act with partiality or prejudice based on any participant's personal characteristics, background, values and beliefs, or performance at a mediation, or any other reason.
- b. A mediator should neither give nor accept a gift, favor, loan, or other item of value that raises a question as to the mediator's actual or perceived impartiality.
- c. A mediator may accept or give de minimis gifts or incidental items or services that are provided to facilitate mediation or respect cultural norms so long as such practices do not raise questions as to a mediator's actual or perceived impartiality.
- 11.3(3) If at any time a mediator is unable to conduct a mediation in an impartial manner, the mediator shall withdraw.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.4 Conflicts of interest.

- 11.4(1) A mediator shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation. A conflict of interest that reasonably raises a question of a mediator's impartiality can arise from a mediator's involvement with the subject matter of the dispute or from any relationship between a mediator and any mediation participant, whether past or present, personal or professional.
- 11.4(2) A mediator shall make a reasonable inquiry to determine whether there are any facts that a reasonable individual would consider likely to create a potential or actual conflict of interest for a mediator. A mediator's actions necessary to accomplish a reasonable inquiry into potential conflicts of interest may vary based on practice context.
- 11.4(3) A mediator shall disclose, as soon as practicable, all actual and potential conflicts of interest that are reasonably known to the mediator and could reasonably be seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation.
- 11.4(4) If a mediator learns any fact after accepting a mediation that raises a question with respect to that mediator's service creating a potential or actual conflict of interest, the mediator shall disclose it to all parties as quickly as practicable. After disclosure, if all parties agree, the mediator may proceed with the mediation.
- 11.4(5) If a mediator's conflict of interest might reasonably be viewed as undermining the integrity of the mediation, a mediator shall withdraw from or decline to proceed with the mediation regardless of the expressed desire or agreement of the parties to the contrary.
- 11.4(6) Subsequent to a mediation, a mediator shall not establish another relationship with any of the participants in any matter that would raise questions about the integrity of the mediation. When a mediator develops personal or professional relationships with parties, other individuals, or organizations following a mediation in which the parties, individuals, or organizations were involved, the mediator should consider factors such as time elapsed following the mediation, the nature of the relationships established, and services offered when determining whether the relationships might create a perceived or actual conflict of interest.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.5 Competence.

- 11.5(1) A mediator shall mediate only when the mediator has the necessary competence to satisfy the reasonable expectations of the parties.
- a. Any person may be selected as a mediator, provided that the parties are satisfied with the mediator's competence and qualifications. Training, experience in mediation, skills, cultural understandings, and other qualities are often necessary for mediator competence. A person who offers to serve as a mediator creates the expectation that the person is competent to mediate effectively.
- b. A mediator should attend educational programs and related activities to maintain and enhance the mediator's knowledge and skills related to mediation.
- c. A mediator should have available for the parties information relevant to the mediator's training, education, experience, and approach to conducting a mediation.

- 11.5(2) If a mediator, during the course of a mediation, determines that the mediator cannot conduct the mediation competently, the mediator shall discuss that determination with the parties as soon as is practicable and take appropriate steps to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance.
- 11.5(3) If a mediator's ability to conduct a mediation is impaired by drugs, alcohol, or medication, or is otherwise impaired, the mediator shall not conduct the mediation.

 [Court Order November 10, 2011, effective January 1, 2012]

Rule 11.6 Confidentiality.

- 11.6(1) A mediator shall maintain the confidentiality of all information the mediator obtains in mediation, unless the parties otherwise agree or as required by applicable law.
- a. If the parties to a mediation agree, the mediator may disclose information obtained during the mediation.
- b. A mediator should not communicate to any non-participant information about how the parties acted in the mediation. A mediator may report, if required, whether parties appeared at a scheduled mediation and whether or not the parties reached a resolution.
- c. If a mediator participates in teaching, research, or evaluation of mediation, the mediator should protect the anonymity of the parties and abide by their reasonable expectations regarding confidentiality.
- 11.6(2) A mediator who meets with any persons in private session during a mediation shall not convey directly or indirectly to any other person any information that was obtained during that private session without the consent of the disclosing person.
- 11.6(3) A mediator shall promote understanding among the parties of the extent to which the parties will maintain confidentiality of information they obtain in a mediation.
- 11.6(4) Depending on the circumstance of a mediation, the parties may have varying expectations regarding confidentiality that a mediator should address. The parties may make their own rules with respect to confidentiality, or the accepted practice of an individual mediator or institution may dictate a particular set of expectations.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.7 Quality of the process.

- 11.7(1) A mediator shall conduct a mediation in accordance with these standards and in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency, and mutual respect among all participants.
- a. A mediator should agree to mediate only when the mediator is prepared to commit the attention essential to an effective mediation.
- b. A mediator should only accept cases when the mediator can satisfy the reasonable expectations of the parties concerning the timing of a mediation.
- c. The presence or absence of persons at a mediation depends on the agreement of the parties and the mediator. The parties and mediator may agree that others may be excluded from particular sessions or from all sessions.
- d. A mediator should promote honesty and candor between and among all participants, and a mediator shall not knowingly misrepresent any material fact or circumstance in the course of a mediation.
- e. The role of a mediator differs substantially from other professional roles. Mixing the role of a mediator and the role of another profession is problematic and thus, a mediator should distinguish between the roles. A mediator may provide information that the mediator is qualified by training or experience to provide only if the mediator can do so consistent with these standards.
- f. A mediator shall not conduct a dispute resolution procedure other than mediation but label it mediation in an effort to gain the protection of rules, statutes, or other governing authorities pertaining to mediation.
- g. A mediator may recommend, when appropriate, that parties consider resolving their dispute through arbitration, counseling, neutral evaluation, or other processes.
- h. A mediator shall not undertake an additional dispute resolution role in the same matter without the consent of the parties. Before providing such service, a mediator shall inform the parties of the implications of the change in process and obtain their consent to the change. A mediator who undertakes such role assumes different duties and responsibilities that may be governed by other standards.

- *i*. If a mediation is being used to further criminal conduct, a mediator should take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation.
- *j.* If a party appears to have difficulty comprehending the process, issues, or settlement options, or difficulty participating in a mediation, the mediator should explore the circumstances and potential accommodations, modifications, or adjustments that would make possible the party's capacity to comprehend, participate, and exercise self-determination.
- 11.7(2) If a mediator is made aware of domestic abuse or violence among the parties, the mediator shall take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation.
- 11.7(3) If a mediator believes that participant conduct, including that of the mediator, jeopardizes conducting a mediation consistent with these standards, a mediator shall take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation. [Court Order November 10, 2011, effective January 1, 2012]

Rule 11.8 Advertising and solicitation.

- 11.8(1) A mediator shall be truthful and not misleading when advertising, soliciting, or otherwise communicating the mediator's qualifications, experience, services, and fees.
- a. A mediator should not include any promises as to outcome in communications, including business cards, stationery, or computer-based communications.
- b. A mediator should only claim to meet the mediator qualifications of a governmental entity or private organization if that entity or organization has a recognized procedure for qualifying mediators and it grants such status to the mediator.
- 11.8(2) A mediator shall not solicit in a manner that gives an appearance of partiality for or against a party or otherwise undermines the integrity of the process.
- **11.8(3)** A mediator shall not communicate to others, in promotional materials or through other forms of communication, the names of persons served without their permission. [Court Order November 10, 2011, effective January 1, 2012]

Rule 11.9 Fees and other charges.

- 11.9(1) A mediator shall provide each party or each party's representative true and complete information about mediation fees, expenses, and any other actual or potential charges that may be incurred in connection with a mediation.
- a. If a mediator charges fees, the mediator should develop them in light of all relevant factors, including the type and complexity of the matter, the qualifications of the mediator, the time required, and the rates customary for such mediation services.
 - b. A mediator's fee arrangement should be in writing unless the parties request otherwise.
 - 11.9(2) A mediator shall not charge fees in a manner that impairs a mediator's impartiality.
- a. A mediator should not enter into a fee agreement that is contingent upon the result of the mediation or amount of the settlement.
- b. While a mediator may accept unequal fee payments from the parties, a mediator should not allow such a fee arrangement to impact adversely the mediator's ability to conduct a mediation in an impartial manner.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.10 Advancement of mediation practice.

- 11.10(1) A mediator should act in a manner that advances the practice of mediation. A mediator promotes this standard by engaging in some or all of the following:
 - a. Fostering diversity within the field of mediation.
- b. Striving to make mediation accessible to those who elect to use it, including providing services at a reduced rate or on a pro bono basis as appropriate.
- c. Participating in research when given the opportunity, including obtaining participant feedback when appropriate.
- d. Participating in outreach and education efforts to assist the public in developing an improved understanding of, and appreciation for, mediation.
 - e. Assisting newer mediators through training, mentoring, and networking.

11.10(2) A mediator should demonstrate respect for differing points of view within the field, seek to learn from other mediators, and work with other mediators to improve the profession and better serve people in conflict.

[Court Order November 10, 2011, effective January 1, 2012]

CHAPTER 12

RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

Rule 12.1	Application —	forms obtained from clerk
Rule 12.2	Termination of	proceedings — insufficient grounds
Rule 12.3	Notice to respo	ondent — requirements
Rule 12.4	Notice requirer	
Rule 12.5	Hearings — co	
Rule 12.6		rence with respondent — location — transportation
Rule 12.7	Service, other t	
Rule 12.8	Return of servi	
Rule 12.9	Amendment of	proof of service
Rule 12.10		nce and argument — predetermination
Rule 12.11		nce and argument — after confinement
Rule 12.12		eport to attorney
Rule 12.13	Physician's rep	
Rule 12.14	Probable cause	
Rule 12.15	Hearing — cou	
Rule 12.16		ation at hospital or treatment facility
Rule 12.17		ights explained before hearing
Rule 12.18	Subpoenas	ights explained server hearing
Rule 12.19	•	uring — exceptions
Rule 12.20		ctronic recording
Rule 12.21		county of confinement
Rule 12.22	Evaluation and	
Rule 12.23	Evaluation — t	
Rule 12.24	Evaluation repo	
Rule 12.25	Reports issued	
Rule 12.26	Clerk's filing s	
Rule 12.27		ention — magistrate's approval
Rule 12.28	Emergency det	ention — medical officer absent from facility
Rule 12.29	Attorney appoi	
Rule 12.30	Chemotherapy	
Rule 12.31	Outpatient trea	
Rules 12.32 to 12.35	Reserved	tinein pian
Rule 12.36		luntary hospitalization of mentally ill persons
Tule 12.30	Form 1:	Application Alleging Serious Mental Impairment
	Tomi T.	Pursuant to Iowa Code Section 229.6
	Form 2:	Affidavit in Support of Application Alleging Serious
	1 01III 2.	Mental Impairment Pursuant to Iowa Code Section 229.6
	Form 3:	Notice to Respondent Pursuant to Iowa Code Section
	TOTHI 5.	229.7
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.
	Form 4:	Order for Immediate Custody Pursuant to Iowa Code
	TOTHI 4.	Section 229.11
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.
	Form 5:	Order Appointing Attorney Pursuant to Iowa Code
		Section 229.8
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.
	Form 6:	Application for Appointment of Counsel and Financial
		Statement

Form 7:	Appointment of Physician Pursuant to Iowa Code Section 229.8
	Removed from chapter by court order May 22, 2019,
Form 8:	effective September 3, 2019. Physician's Person of Eveningtion Purposet to Love
	Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2)
Form 9:	Order for Continuance Pursuant to Iowa Code Section 229.10(4)
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 10:	Stipulation Pursuant to Iowa Code Section 229.12 and Iowa Ct. R. 12.19
Form 11:	Notice of Medication Pursuant to Iowa Code Section
Form 12:	229.12(1) Discharge and Termination of Proceeding Pursuant to
TOIM 12.	Iowa Code Section 229.12
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 13:	Findings of Fact and Order Pursuant to Iowa Code
	Section 229.13
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 14:	Notice of Termination of Proceedings Pursuant to Iowa
	Code Section 229.21
Form 15:	Notice of Order Pursuant to Iowa Code Section 229.21
Form 16:	Application for Order for Extension of Time for
	Psychiatric Evaluation Pursuant to Iowa Code Section 229.13
Form 17:	Order Re: Extension of Time Pursuant to Iowa Code
	Section 229.13
	Removed from chapter by court order May 22, 2019,
Form 18:	effective September 3, 2019. Chief Medical Officer's Report of Psychiatric Evaluation
Tollii 16.	Pursuant to Iowa Code Section 229.14
Form 19:	Chief Medical Officer's Periodic Report Pursuant to Iowa
_	Code Section 229.15(1)
Form 20:	Periodic Report Pursuant to Iowa Code Section 229.15(2)
Form 21:	Periodic Report Pursuant to Iowa Code Section 229.15(3). (Alternate Placement)
Form 22:	Notice of Chief Medical Officer's Report or Application
	Pursuant to Iowa Code Section 229.13
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 23:	Order After Evaluation Pursuant to Iowa Code Section
	229.14
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 24:	Notice of Appeal From the Findings of the Judicial
1 01111 2 1.	Hospitalization Referee
Form 25:	Attorney's Report and Request for Withdrawal Pursuant
Form 26:	to Iowa Code Section 229.19 Claim for Attorney or Physician's Fees Order and
	Certificate
Form 27:	Order of Detention Pursuant to Iowa Code Section 229.22(2)
	Removed from chapter by court order May 22, 2019,
	effective September 3, 2019.

Form 28: Magistrate's Report Pursuant to Iowa Code Section 229.22(2)(a)

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 29: Emergency Hospitalization Order Pursuant to Iowa Code

Section 229.22, Subsections (3) and (4) Removed from chapter by court order May 22, 2019,

Removed from chapter by court order May 22, 2019 effective September 3, 2019.

Form 30: Quarterly Report of Patient Advocate Pursuant to Iowa Code Section 229.19(6)

Form 31: Notice to Patient of Name of Advocate Pursuant to Iowa Code Section 229.19

Form 32: Notice to Respondent Pursuant to Iowa Code Section 229.14(2)(d)

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 33: Hospitalization Order Pursuant to Iowa Code Section 229.14(2)(d)

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

CHAPTER 12 RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

[Forms included at rule 12.36] See Iowa Code section 229.40

Rule 12.1 Application — forms obtained from clerk. A form for application seeking the involuntary hospitalization or treatment of any person on grounds of serious mental impairment may be obtained from the clerk of court in a county in which the person whose hospitalization is sought resides or is presently located. Such application may be filled out and presented to the clerk by any person who has an interest in the treatment of another for serious mental impairment and who has sufficient contact with or knowledge about that person to provide the information required on the face of the application and by Iowa Code section 229.6. The clerk or clerk's designee shall provide the forms required by Iowa Code section 229.6 to the person who desires to file the application for involuntary commitment. The clerk shall see that all the necessary information required by Iowa Code section 229.6 accompanies the application.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.2 Termination of proceedings — insufficient grounds. If the judge or referee determines that insufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the judge or referee shall order the proceedings terminated, so notify the applicant, and all papers and records pertaining thereto shall be confidential and subject to the provisions of Iowa Code section 229.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.3 Notice to respondent — requirements.

- **12.3(1)** If the judge or referee determines that sufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the sheriff or sheriff's deputy shall immediately serve notice, personally and not by substitution, on the respondent. Pursuant to Iowa Code section 229.9, notice shall also be served on respondent's attorney as soon as the attorney is identified or appointed by the judge or referee.
- **12.3(2)** If the respondent is being taken into immediate custody pursuant to Iowa Code section 229.11, the notice shall include a copy of the order required by section 229.11 and rule 12.14.
- **12.3(3)** The notice of procedures required under Iowa Code section 229.7 shall inform the respondent of the following:
 - a. The respondent's immediate right to counsel, at county expense if necessary.
- b. The right to request an examination by a physician of the respondent's choosing, at county expense if necessary.
 - c. The right to be present at the hearing.
- d. The right to a hearing within five days if the respondent is taken into immediate custody pursuant to Iowa Code section 229.11.
- *e*. The right not to be forced to hearing sooner than forty-eight hours after notice, unless respondent waives such minimum prior notice requirement.
 - f. The respondent's duty to remain in the jurisdiction and the consequences of an attempt to leave.
- g. The respondent's duty to submit to examination by a physician appointed by the court. [Supreme Court Report 1979; amendment 1982; November 9, 2001, effective February 15, 2002]
- Rule 12.4 Notice requirement waiver. The respondent may waive the minimum prior notice requirement only in writing and only if the judge or referee determines that the respondent's best interests will not be harmed by such waiver.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.5 Hearings — continuance. At the request of the respondent or the respondent's attorney, the hearing provided in Iowa Code section 229.12 may be continued beyond the statutory limit in order that the respondent's attorney has adequate time to prepare for the case, and in such instances custody pursuant to Iowa Code section 229.11 may be extended by court order until the hearing is

held. The continuance shall be no longer than five days beyond the statutory limit, unless respondent gives written consent to the longer continuance.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.6 Attorney conference with respondent — location — transportation. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under Iowa Code section 229.11, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in Iowa Code section 229.12. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.7 Service, other than personal. If personal service as defined in rule 12.3 cannot be made, any respondent may be served as provided by court order, consistent with due process of law. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.8 Return of service. Returns of service of notice shall be made as provided in Iowa R. Civ. P. 1.308.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.9 Amendment of proof of service. Amendment of process or proof of service shall be allowed in the manner provided in Iowa R. Civ. P. 1.309. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.10 Attorney evidence and argument — predetermination. If practicable the court should allow the respondent's attorney to present evidence and argument prior to the judge's determination under Iowa Code section 229.11.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.11 Attorney evidence and argument — after confinement. If the respondent's attorney is afforded no opportunity to present evidence and argument prior to the determination under Iowa Code section 229.11, the attorney shall be entitled to do so after the determination during the course of respondent's confinement pursuant to an order issued under that section.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.12 Examination report to attorney. The clerk shall furnish the respondent's attorney with a copy of the examination report filed pursuant to Iowa Code section 229.10(2), as soon as possible after receipt. In ruling on any request for an extension of time under Iowa Code section 229.10(4), the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare responses from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined respondent and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.13 Physician's report. The court-designated physician shall submit a written report of the examination as required by Iowa Code section 229.10(2) on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report:

- (1) Respondent's name;
- (2) Address;
- (3) Date of birth;
- (4) Place of birth;
- (5) Sex;
- (6) Occupation;
- (7) Marital status;
- (8) Number of children, and names;

- (9) Nearest relative's name, relationship, and address; and
- (10) The physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to the physician, which led to the diagnosis. [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]
- **Rule 12.14 Probable cause.** The judge's or referee's immediate custody order under Iowa Code section 229.11 shall include a finding of probable cause to believe that the respondent is seriously mentally impaired and is likely to inflict self-injury or injure others if allowed to remain at liberty. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]
- **Rule 12.15 Hearing county location.** The hearing provided in Iowa Code section 229.12 shall be held in the county where the application was filed unless the judge or referee finds that the best interests of the respondent would be served by transferring the proceedings to a different location. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]
- Rule 12.16 Hearing location at hospital or treatment facility. The hearing required by Iowa Code section 229.12 may be held at a hospital or other treatment facility, provided a proper room is available and provided such a location would not be detrimental to the best interests of the respondent. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]
- Rule 12.17 Respondent's rights explained before hearing. The respondent's rights as set out in rule 12.3(3) and the possible consequences of the procedures shall be explained to the respondent by the respondent's attorney to the extent possible. Prior to the commencement of the hearing under Iowa Code section 229.12, the judge or referee shall ascertain whether the respondent has been so informed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.18 Subpoenas. Subpoena power shall be available to all parties participating in the proceedings, and subpoenas or other investigative demands may be enforced by the judge or referee. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.19 Presence at hearing — exceptions.

- **12.19(1)** The person(s) filing the application and any physician or mental health professionals who have examined respondent and have submitted a written examination of the respondent in connection with the hospitalization proceedings must be present at the hearing conducted under Iowa Code section 229.12 unless their presence is waived by the respondent's attorney, the judge or referee finds their presence is not necessary, or their testimony can be taken through telephonic means and the respondent's attorney does not object.
- 12.19(2) The respondent must be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing to respondent's absence, such stipulation to state that the attorney has conversed with the respondent, that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by respondent's absence.

[Supreme Court Report 1979; amendment 1980; October 11, 1991, effective January 2, 1992; November 9, 2001, effective February 15, 2002]

- **Rule 12.20 Hearing electronic recording.** An electronic recording or other verbatim record of the hearing provided in Iowa Code section 229.12 shall be made and retained for three years or until the respondent has been discharged from involuntary custody for 90 days, whichever is longer. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]
- Rule 12.21 Transfer from county of confinement. If the respondent is in custody in another county prior to the hearing provided in Iowa Code section 229.12, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are unreasonable and if the denial would not harm respondent's interests in representation by counsel.

This rule is not intended to authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.22 Evaluation and treatment. If the respondent is found by the court to be seriously mentally impaired following a hearing under Iowa Code section 229.12, evaluation and treatment shall proceed as set out in Iowa Code section 229.13.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.23 Evaluation — time extension. If, pursuant to Iowa Code section 229.13, the chief medical officer requests an extension of time for evaluation beyond 15 days, the chief medical officer shall file application in the form prescribed by this chapter with the clerk of court in the county in which the hearing was held. The application shall contain a statement by the chief medical officer or the officer's designee identifying with reasonable particularity the facts and reasons in support of the request for extension. The clerk shall immediately notify the respondent's attorney of the request and shall furnish a copy of the application to the attorney. The clerk shall also immediately furnish a copy of the application to the respondent's advocate, if one has been appointed. [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.24 Evaluation report. The findings of the chief medical officer pursuant to Iowa Code section 229.14 must state with reasonable particularity on the form prescribed by this chapter the facts and basis for the diagnostic conclusions concerning the respondent's serious mental impairment and recommended treatment, including but not limited to: The basis for the chief medical officer's conclusion as to respondent's mental illness, judgmental capacity concerning need for treatment, treatability, and dangerousness; and the basis for the chief medical officer's conclusions concerning recommended treatment including the basis for the judgment that the chief medical officer's treatment recommendation is the least restrictive alternative treatment pursuant to options (a), (b), (c), or (d) of Iowa Code section 229.14(1).

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

Rule 12.25 Reports issued by clerk. The clerk shall promptly furnish copies of all reports issued under Iowa Code section 229.15 to the patient's attorney or advocate or to both if they both are serving in their respective capacities at the same time, and such reports shall comply substantially with the requirements of rule 12.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.26 Clerk's filing system. The clerk shall institute an orderly system for filing periodic reports required under Iowa Code section 229.15 and shall in timely fashion ascertain when a report is overdue. In the event a report is not filed, the clerk shall contact the chief medical officer of the treatment facility and obtain a report.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.27 Emergency detention — magistrate's approval. If the magistrate does not immediately proceed to the facility where a person is detained pursuant to Iowa Code section 229.22, the magistrate shall verbally communicate approval or disapproval of the detention and such communication shall be duly noted by the chief medical officer of the facility on the form prescribed by this chapter.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.28 Emergency detention — medical officer absent from facility. If the facility to which the respondent is delivered pursuant to Iowa Code section 229.22 lacks a chief medical officer, the person then in charge of the facility shall, if treatment appears necessary to protect the respondent, immediately notify a physician. The person in charge of the facility shall then immediately notify the magistrate.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.29 Attorney appointed. As soon as practicable after the respondent's delivery to a facility under Iowa Code section 229.22, the magistrate shall identify or appoint an attorney for the respondent and shall immediately notify such attorney of respondent's emergency detention. If counsel can be identified at the time of respondent's arrival at a facility, or if legal services are available through a legal aid or public defender office, the magistrate must immediately notify such counsel and such counsel shall be afforded an opportunity to see the respondent and to make such preparation as is appropriate before or after the magistrate's order is issued.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.30 Chemotherapy procedure. When chemotherapy has been instituted prior to a hearing under Iowa Code section 229.12, the chief medical officer of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing listing all types of chemotherapy given for purposes of affecting the respondent's behavior or mental state during any period of custody authorized by Iowa Code section 229.4(3), 229.11 or 229.22. For each type of chemotherapy the report shall indicate either the chemotherapy was given with the consent of the patient or the patient's next of kin or guardian or the way the chemotherapy was "necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue." The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly and provide a copy of the report to respondent's attorney if so requested

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.31 Outpatient treatment plan. If, pursuant to Iowa Code section 229.14(3), the chief medical officer determines that the patient is suited for outpatient care, the chief medical officer (or a designee) shall determine the specific care and treatment guidelines upon which the outpatient status will be based and shall discuss these guidelines with the patient. These written guidelines shall be known as the Outpatient Treatment Plan (O.T.P.). If the chief medical officer (or a designee) alleges that the O.T.P. has been breached, the judge or a judicial hospitalization referee shall hold a hearing as provided by Iowa Code sections 229.14(3) and 229.12 to determine whether the patient should be rehospitalized, whether the O.T.P. should be revised, or whether some other remedy should be ordered. The patient shall be given reasonable notice of such a hearing.

[Supreme Court Report 1982; amendment 1983; November 9, 2001, effective February 15, 2002]

Rules 12.32 to 12.35 Reserved.

Rule 12.36 Forms for involuntary hospitalization of mentally ill persons. Rule 12.36 — Form 1: Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.

IN THE IOWA DISTRICT COURT IN AND F	OR	COUNTY, IO	WA
	DATE:		
	TIME:		
IN THE MAITER OF:	No		
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	APPLICATION A MENTAL IMPAIR IOWA COD		ANT TO
Respondent.			
I, of	(address), allege Resp	oondent is suffering	ng from serious
Based on the above facts, I believe Respondent is a danger emotional injury to persons who are unable to remove thems			causing serious
Do you request the respondent be taken into immediate cu	stody? Yes	□ No	o 🗖
☐ Attached hereto is a written statement of a licensed physic	cian in support of this app	olication.	
☐ Attached hereto is an affidavit corroborating these allegati	ions.		
Oath and Signature			
I. Print your full name: first, middle, last of parity and purposent to the laws of the State of Laws that it	have read this Application	on, and I certify t	inder penalty
Print your full name: first, middle, last of perjury and pursuant to the laws of the State of Iowa that true and correct.	the information I have pr	ovided in this Ap	plication is
	-		_, 20
Applicant's signature*	Month	Day	Year
Mailing address	City	State	ZIP code
() Final address	Addition	al email address if	applicable
Phone number Email address	Addition	al email address, if	applicable

*Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Form 1 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 2: Affidavit in Support of Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.

IN THE IOW	A DISTRICT COURT IN AND	FOR	COUNTY, IO	WA
IN THE MATTER OF:		No		
ALLEGED TO BE SERIC MENTALLY IMPAIRED, Respondent.		ALLEGING S	IN SUPPORT OF APPL ERIOUS MENTAL IMP TO IOWA CODE SECT	AIRMENT
Respondent.				
Ι,α	of(add	lress), state that I		
am acquainted with Respon	ident who resides at	(Street)	(City	,
	County, Iowa and that I belie		ed person is seriously ment	tally impaired.
In support thereof, I state	15000		,	
**				
Oath and Signature				
I.		have read this	Affidavit, and I certify unde	er nenelty
Print your full name	e: first, middle, last			
of perjury and pursuant to true and correct.	the laws of the State of Iowa tha	at the information	I have provided in this Aff	idavit is
and different and a second				20
Affiant's signature*		Month	Day	Year
Mailing address		City	State	ZIP code
()	S. Steel Co.		8	No. of the Print
Phone number	Email address		Additional email address, if a	applicable

Form 2 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 12.36 — Form 3: Notice to Respondent Pursuant to Iowa Code Section 229.7.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 3 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; November 10, 2011, effective January 9, 2012; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 4: Order for Immediate Custody Pursuant to Iowa Code Section 229.11.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 4 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 5: Order Appointing Attorney Pursuant to Iowa Code Section 229.8.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 5 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 6: Application for Appointment of Counsel and Financial Statement.

IN THE IOWA DISTRI	ICT COURT IN AND FOR	COUNTY, IOW	'A
IN THE MATTER OF:	N	0	
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	, A	PPLICATION FOR APPOINTM OF COUNSEL AND FINANCIAL STATEMENT	ENT
Respondent.			
I, the undersigned, say that I am (recor (guardian) herein, and I request the statement relating to respondent's fine Name	Court to appoint counsel to repre- ancial affairs is submitted in sup	sent respondent at public expense. 'oport of this application.	The following
Address			
Marital status			
Number and ages of dependents			
Business or employment			
Average weekly earnings			
Total income past 12 months			
Is respondent now in custody: Yes			y:
Is spouse working: YesNo	. If so, name of empl	oyer and average weekly wage	
Motor vehicles: List make, year, amo	ount owing thereon, if any, and h	ow title is registered	
List balance of bank accounts of resp	ondent and spouse		
List all sources of income other than	salary from employment		
Describe real estate owned, if any, an			
Total amount of debts:			
List on the reverse side hereof all other	er assets owned by respondent,	other than clothing and personal eff	ects.
Oath and Signature			
T	have re	ad this Application, and I certify und	der nenalts
Print your full name: first, mide of perjury and pursuant to the laws of true and correct.	dle, last	2.5	2) 3
	29 12		20
Applicant's signature*	Mon	th Day	Year
Mailing address	City	State	ZIP code
170 2			

*Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Form 6 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 7: Appointment of Physician Pursuant to Iowa Code Section 229.8.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 7 [Supreme Court Report 1979; amendment 1981; Court Order April 3, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; August 6, 2007, effective October 15, 2007; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 8: Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2).

	IN THE IOWA DISTRICT COURT IN AND I	FORCOUNTY, IOWA		
IN	THE MATTER OF:	No		
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.		PHYSICIAN'S REPORT OF EXAMINATION PURSUANT TO IOWA CODE SECTION 229.10(2)		
1000	TE AND TIME OF EXAMINATION			
1.	Respondent's Name			
2.	Address(Street) (City or Town)	(County) (State)		
_		(State)		
3.	Date of Birth (Day) (Month	(Year)		
и				
4.	Place of Birth			
5.	Sex			
6.	Occupation			
7.	Marital Status			
8. 9.	Number of Children, and Names Relationship Relationship			
9.				
	Address(Street) (City or Town)	(County) (State)		
10	Is this an examination under Iowa Code section 229.113	\$1 (25.20) \$1 (5.		
10.	is this an examination under lowa code section 229.11.			
11.	Did a qualified mental health professional assist with th	is exam? If so, who?		
	(Please provide address.) If the professional's report is	written, please attach.		
12.	In your judgement, is respondent mentally ill?			
	If so, state diagnosis and supporting facts:			
13.	In your judgment is respondent capable of making respon	sible decisions with respect to hospitalization or treatment		
	If not, state supporting facts:			
14.	In your judgment, is the respondent treatable? If so, state diagnosis and supporting facts:			
15.	In your judgment, would the respondent benefit from tre	eatment?		

- 16. In your judgment, is the respondent likely to physically injure himself or herself or others?
 - (a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2) (cont'd)

17.	In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?
18.	Can the respondent be evaluated on an out-patient basis? Basis for answer:
19.	Can the respondent, without danger to self or others, be released to the custody of a relative or friend during the course of evaluation?
20.	Is full-time hospitalization necessary for evaluation?
21.	Does the respondent have a prior history of other physical or mental illness? If yes, please specify.
22.	Was the patient medicated at the time of examination? If so, please supply the following information:
ME	DICINE
	SAGE
	1E
	Signed Physician
	Address

Form 8 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 9: Order for Continuance Pursuant to Iowa Code Section 229.10(4).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 9 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 10: Stipulation Pursuant to Iowa Code Section 229.12 and Iowa Ct. R. 12.19.

IN THE IOWA DISTRICT COURT IN ANI	D FOR COUNTY, IOWA
IN THE MATTER OF:	No
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	STIPULATION PURSUANT TO IOWA CODE SECTION 229.12 AND IOWA CT. R. 12.19
Respondent.	
impairment. (1) I have conversed with respondent about the hearing (date).	and the respondent's absence ongful contribution to the hearing. I base this judgment on the
SIG	SNED
Res	spondent's Attorney

Form 10 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 11: Notice of Medication Pursuant to Iowa Code Section 229.12(1).

The medication (may) (probably will not) affect respondent's ability to understand the nature of these proceedings.

SIGNED

Physician

Form 11 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 12: Discharge and Termination of Proceeding Pursuant to Iowa Code Section 229.12.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 12 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 13: Findings of Fact and Order Pursuant to Iowa Code Section 229.13.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 13 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; November 10, 2011, effective January 9, 2012; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 14: Notice of Termination of Proceedings Pursuant to Iowa Code Section 229.21.

IN THE IOWA DISTRICT COURT IN AND	FORCOUNTY, IOWA
IN THE MATTER OF:	No
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	NOTICE OF TERMINATION OF PROCEEDINGS PURSUANT TO IOWA CODE SECTION 229.21
Respondent.	
TO THE CHIEF JUDGE OF THE Please be advised that I have terminated the proceedings is order entered, a copy of which is attached.	JUDICIAL DISTRICT OR DESIGNEE: n regard to the above Respondent for the reasons stated in the
Judi	cial Hospitalization Referee County, Iowa

Form 14 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 15: Notice of Order Pursuant to Iowa Code Section 229.21.

IN THE IOWA DISTRICT COU	RT IN AND FOR COUNTY, IOWA	
IN THE MATTER OF:	No	
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	NOTICE OF ORDER PURSUANT TO IOWA CODE SECTION 229.21	
Respondent.		
TO THE CHIEF JUDGE OF THE	JUDICIAL DISTRICT OR DESIGNEE:	
Please be advised that I have issued an order findings of fact, copies of which are attached.	regarding the above Respondent for the reasons stated in the order a	nd
DATE OF HOSPITALIZATION		_
	Judicial Hospitalization Referee County, Iow	— а

Form 15 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 16: Application for Order for Extension of Time for Psychiatric Evaluation Pursuant to Iowa Code Section 229.13.

IN THE IOWA DISTRICT COURT IN AND	FORCOUNTY, IOWA
	DATE
IN THE MATTER OF:	No
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	APPLICATION FOR ORDER FOR EXTENSION OF TIME FOR PSYCHIATRIC EVALUATION PURSUANT TO IOWA CODE SECTION 229.13
Respondent.	
I,, Chief Medical Officer of the request an extension of time not to exceed seven days in ord I request this extension because:	
I feel this extension is in Respondent's best interests.	
Chief Facili	Medical Officer

Form 16 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 17: Order Re: Extension of Time Pursuant to Iowa Code Section 229.13.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 17 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 18: Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14.

IN THE IOWA DISTRICT COURT IN AND FOR $_$		RCOUNTY, IOWA			
IN THE MATTER OF: Respondent.		No			
		CHIEF MEDICAL OFFICER'S REPORT OF PSYCHIATRIC EVALUATION PURSUANT TO IOWA CODE SECTION 229.14			
DA	TE AND TIME OF EVALUATION				
1.	Treatment that respondent has received during the present	hearing and evaluation period.			
2.	Chemotherapy respondent has received: Attachment 1 which is incorporated as part of this report lists all types chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or ment state, along with the effect on the respondent's behavior or mental state.				
3.	Have there been previous psychiatric illnesses? If so, give approximate dates:				
	Was hospitalization or treatment necessary? If so, give place, date, length of stay, condition on discharge:				
4.	Has the respondent any other disease or injury at present? If so, specify:				
5.	Respondent's past medical history.				
6.	Is respondent suffering from any transmissible disease or has respondent been exposed to such a disease within th past three weeks? If so, specify:				
7.	Is there a family history of mental illness, or mental deficiency, or convulsive disorder? If so, give names, relationship and type of disorder:				
8.	In your judgment is respondent mentally ill? If so, state diagnosis and supporting facts:				
9.	In your judgment is respondent capable of making responsible decisions with respect to hospitalization or treatment of not, state supporting facts:				
10.	In your judgment, is the respondent treatable?				
11	In your judgment is the respondent likely to injure himsel	for herself or others?			

- 11. In your judgment, is the respondent likely to injure himself or herself or others?
 - (a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14 (cont'd)

12. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?

13. PROPOSED TREATMENT.

Please state one of the four alternative findings contained in Iowa Code section 229.14:*

- A. If respondent does not require full-time hospitalization, please state your recommendation for treatment on an out-patient or other appropriate basis:
- B. If respondent is in need of full-time custody and care but is unlikely to benefit from further treatment in a hospital, please recommend an alternative placement:
- C. Other:
- 14. State facts and reasons supporting your judgment that the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed_		
Address		

- *1. That the respondent does not, as of the date of the report, require further treatment for serious mental impairment. (Iowa Code section 229.14(1))
- 2. That the respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment. (Iowa Code section 229.14(2))
- 3. That the respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (Iowa Code section 229.14(3))
- 4. That the respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (Iowa Code section 229.14(4))

Form 18 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 19: Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1).

	IN THE IOWA DISTRICT COURT IN AND	FORCOUNTY, IOWA
IN	THE MATTER OF:	No
Res	spondent.	CHIEF MEDICAL OFFICER'S PERIODIC REPORT PURSUANT TO IOWA CODE SECTION 229.15(1)
1.	An order for continued hospitalization of the responden, 20	at this hospital was entered
2.		t lists all types of chemotherapy given at this hospital to the vior or mental state since the last report to the court, along state.
3.	In my opinion, the patient's condition (has improved)	(remains unchanged) (has deteriorated).
4.	Check one box.	
	☐ (a) Respondent was tentatively discharged on	, 20, pursuant to Iowa Code section no longer requires treatment or care for serious mental
	☐ (b) Respondent was transferred to, pursuant to Iowa Code section 229.1 respondent. (See EXPLANATION below.)	on, 5(4) because in my opinion it is in the best interest of the
	(c) Respondent was placed on leave on 229.15(4) because in my opinion it is in the best , 20 (See EXPL	, 20, pursuant to Iowa Code section interest of the patient. Patient was instructed to return on ANATION below.)
	\square (d) Respondent continues to be hospitalized in this	nospital.
EX	PLANATION:	
Ίf ·	4(a) is applicable, skip items 5 through 8.)	
5.	In my opinion the following subsection of Iowa Code	section 229.14 is applicable (check one box):
	(a) Respondent is seriously mentally impaired and in and is considered likely to benefit from treatment	n need of full-time custody, care and treatment in a hospital nt. (See EXPLANATION under item 7 below.)
	(b) Respondent is seriously mentally impaired an hospitalization. (For treatment recommendations	nd in need of treatment, but does not require full-time s, see RECOMMENDATIONS below.)
	☐ (c) Respondent is seriously mentally impaired and benefit from further treatment in a hospital RECOMMENDATIONS below.)	in need of full-time custody and care, but is unlikely to . (For recommendations of alternate placement, see

RECOMMENDATIONS:

Chie	ef Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1) (cont'd)		
(If 5	5 (b) or (c) is applicable, skip items 6 and 7.)		
6.	I estimate that the further length of time the respondent will be required to remain in the hospital to be (not possible to be determined) (days).		
7.	I recommend (check one box):		
	\square (a) the respondent remain in this hospital. (See EXPLANATION below.)		
	(See EXPLANATION below.) or another hospital.		
	\square (c) the respondent remain in the hospital to which the respondent has already been transferred. (See EXPLANATION under item 4 above.)		
	(d) the patient remain on leave until the date specified for return in item 4 (c) above. (See EXPLANATION under item 4 above.)		
	\square (e) the patient be placed on leave until, 20 (See EXPLANATION below.)		
EXI	PLANATION:		
8.	If continued hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient:		
	Signed Hospital		

Form 19 [Supreme Court Report 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 20: Periodic Report Pursuant to Iowa Code Section 229.15(2). IN THE IOWA DISTRICT COURT IN AND FOR COUNTY, IOWA IN THE MATTER OF: No. PERIODIC REPORT PURSUANT TO IOWA CODE Respondent. **SECTION 229.15(2)** An order for treatment of the respondent on an outpatient or other appropriate basis at this facility was entered , 20 . Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given to or prescribed for the respondent at this facility for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). 3. 4. Check one box. (a) Respondent was tentatively discharged on , 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.) (b) Respondent is failing or refusing to submit to treatment as ordered by the court and, in my opinion, has not shown good cause. (See EXPLANATION below.) (c) Respondent is in treatment as directed by the order of the court. (See EXPLANATION below.) EXPLANATION: (If 4 (a) is applicable, skip items 5 through 7.) In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box): (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION below.) (b) Respondent is seriously mentally impaired and in need of treatment, but can continue in outpatient treatment. (See EXPLANATION below.) (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from treatment in a hospital. (For recommendation of alternate placement, see EXPLANATION below.)

EXPLANATION:

(If 5 (a) or (c) is applicable, skip item 6.)

I estimate that the further length of time the respondent will require outpatient or other appropriate treatment at this
facility to be (not possible to be determined) (_______ days).

Periodic Report Pursuant to Iowa Code Section 229.15(2) (cont'd)

7.	If inpatient hospitalization is recommended, state the reasons that in your judgment the recommended course of
	treatment is the least restrictive, effective treatment for this patient.

Signed		
_	(Provide name and title of person submitting report)	
Facility		

Form 20 [Supreme Court Report 1980; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

Rule 12.36 — Form 21: Periodic Report Pursuant to Iowa Code Section 229.15(3). (Alternate Placement)

IN THE IOWA DISTRICT COURT IN AND		FOR COUNTY, IOWA	
IN THE MATTER OF: Respondent.		No	
		PERIODIC REPORT PURSUANT TO IOWA CODE SECTION 229.15(3) (ALTERNATE PLACEMENT)	
1.	An order for continued placement of the respondent at	this facility was entered, 20	
2.	Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this facility to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.		
3.	In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:		
4.	Check one box.		
	(a) Respondent was tentatively discharged on		
	\square (b) Respondent continues to be in the custody of this facility.		
EX	PLANATION:		
(If ·	4 (a) is applicable, skip items 5 and 6.)		
5.	In my opinion the following subsection of Iowa Code	section 229.14 is applicable (check one box):	
	\square (a) Respondent is seriously mentally impaired and i and is considered likely to benefit from treatmet	n need of full-time custody, care and treatment in a hospital nt. (See RECOMMENDATIONS below.)	
	☐ (b) Respondent is seriously mentally impaired a hospitalization. (See RECOMMENDATIONS	nd in need of treatment, but does not require full-time below.)	
		n need of full-time custody and care, but is unlikely to benefit COMMENDATIONS below, which recommend continued)	
RE	COMMENDATIONS:		
(If :	5 (b) is applicable, skip item 6.)		
6.		ns that in your judgment the recommended course of treatment If placement in a facility other than a hospital is recommended, s unlikely to benefit from treatment in a hospital.	
		ed	
		ity	

Form 21 [Supreme Court Report 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 22: Notice of Chief Medical Officer's Report or Application Pursuant to Iowa Code Section 229.13.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 22 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 23: Order After Evaluation Pursuant to Iowa Code Section 229.14.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 23 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 24: Notice of Appeal From the Findings of the Judicial Hospitalization Referee.

IN THE IOW	A DISTRICT COURT IN AND	FORCOUNTY, IOWA
IN THE MATTER OF:		No
ALLEGED TO BE SERIC MENTALLY IMPAIRED,		NOTICE OF APPEAL FROM THE FINDINGS OF THE JUDICIAL HOSPITALIZATION REFEREE
Respondent.		
TO:	, JUDGE OF THE	JUDICIAL DISTRICT OF IOWA AND
	_, CLERK OF THE DISTRICT	
	appeals the findings of nentally impaired and requests a County, Iowa, all pursuan	Judicial Hospitalization Referee, review of the matter by a Judge of the Iowa District Court Into Iowa Code section 229.21.
Dated the	day of	, 20
	SIG	NED
	(Res	pondent, Next Friend, Guardian, Attorney)

Form 24 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 25: Attorney's Report and Request for Withdrawal Pursuant to Iowa Code Section 229.19.

IN THE IOWA DI	STRICT COURT IN AND	FOR	COUNTY, IOWA
IN THE MATTER OF:		No	
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	, Y	FOR WITH	'S REPORT AND REQUEST IDRAWAL PURSUANT TO CODE SECTION 229.19
Respondent.			
COMES NOW,County, Iowa, and reports:	, a re	egularly practicing at	corney of
After having been employed of Respondent, I interviewed response reports thereof, examined any hor It is my opinion that there is not I hereby request to be allowed	ospital reports available, a	nd examined the with	, the above named xamined the attending physician or the desses who appeared at the hearing: Respondent.
	Nan	ne:	
	Add	lress:	
	City	:	
	Pho	ne No.:	
	ATT	TORNEY FOR RESP	ONDENT
	, as attorney	for respondent, was	, the Application for withdrawal of considered by the undersigned and is
viously appointed)			ndersigned hereby appoints (or has pre- , as advocate for respondent.
	Judį	ge of the	Judicial
		rict of Iowa or	
	Judi	cial Hospitalization I	Referee

Form 25 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 26: Claim for Attorney or Physician's Fees Order and Certificate.

IN THE IOV	WA DISTRICT COURT IN A	AND FOR	COUNTY, IO)WA
IN THE MATTER OF:		No		
ALLEGED TO BE SERIOMENTALLY IMPAIRED		O	AIM FOR ATTORNEY R PHYSICIAN'S FEES DER AND CERTIFICAT	
STATE OF IOWA,		COUNTY, ss:		
Court) (Judicial Hospital mentally impaired, pursua on the attached itemized sta to receive, any compensat	ney) (physician), states that he ization Referee) to (defend) and to Iowa Code section 229, attement and that this claimant tion for such services from a maint prays for an order to be	(examine) the above-n 8; that services have be t has not directly, or inc ny sources.	amed respondent, alleged en completed by this clair lirectly, received, or entere	mant as set forth d into a contrac
Oath and Signature				
I,	ne: first, middle, last	, have read this (Claim, and I certify under	
is true and correct.	rsuant to the laws of the State	e of fowa that the infor	mation i nave provided in	i uus Ciaim
				20
Claimant's signature*		Month	Day	Year
Mailing address		City	State	ZIP code
()			12.	
Phone number	Email address		Additional email address, if	fapplicable
*Whether filing electronical the form after signing it and	ly or in paper, you must handwri then file electronically.	ite your signature on this	form. If you are filing electro	onically, scan
		ORDER		
and ordered paid out of the	claim has been duly considere e county treasury. The Clerk ent to claimant, as provided	is directed to certify a		this order to the
Dated this	day of	, 20		
	1	Judge of the		Judicial
		District of Iowa or		***
		Indicial Hospitalization	n Referee	

for payment.

CERTIFICATE

Claim for Attorney or Physician's Fees Order and Certificate (cont'd)

The above is a true copy of claim and order payment.	as appears of record in my office and	l is hereby certified to County Audito
Dated this	day of	_, 20

(Deputy) Clerk of Said Court

Form 26 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 27: Order of Detention Pursuant to Iowa Code Section 229.22(2).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 27 [Supreme Court Report 1979; amendment 1980; amendment 1981; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 28: Magistrate's Report Pursuant to Iowa Code Section 229.22(2)(a).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 28 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 29: Emergency Hospitalization Order Pursuant to Iowa Code Section 229.22, Subsections (3) and (4).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 29 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 30: Quarterly Report of Patient Advocate Pursuant to Iowa Code Section 229.19(6).

IN THE IOWA DISTRICT COURT IN AND	FOR COUNTY, IOWA
IN THE MATTER OF:	No
ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,	QUARTERLY REPORT OF PATIENT ADVOCATE PURSUANT TO IOWA CODE SECTION 229.19(6)
Respondent.	.,
Date	
Date of last previous report (if one)	
Date of respondent's commitment	
Is respondent still committed If not, date of release	
Actions I have taken with respect to the above-named respabove-named respondent since (I became the patient's advo	
Action Taken	Time Spent
Other comments:	Total Time Spent:
Patier	nt Advocate

Form 30 [Supreme Court Report 1981; November 9, 2001, effective February 15, 2002]

IN THE IOWA DISTRICT COURT IN AND FOR _______ COUNTY, IOWA IN THE MATTER OF: _______, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, NAME OF ADVOCATE PURSUANT TO IOWA CODE SECTION 229.19 To:

Rule 12.36 — Form 31: Notice to Patient of Name of Advocate Pursuant to Iowa Code Section

is now your patient advocate. This advocate will be communicating with you and representing your interests in any matter relating to your hospitalization and treatment.

Clerk of District Court

Form 31 [Supreme Court Report 1981; November 9, 2001, effective February 15, 2002]

You are hereby notified that

Rule 12.36 — Form 32: Notice to Respondent Pursuant to Iowa Code Section 229.14(2)(d).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 32 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 33: Hospitalization Order Pursuant to Iowa Code Section 229.14(2)(d).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 33 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009; May 22, 2019, effective September 3, 2019]

CHAPTER 13

RULES FOR INVOLUNTARY COMMITMENT OR TREATMENT OF PERSONS WITH SUBSTANCE-RELATED DISORDERS

Rule 13.1	Application -	— forms obtained from clerk
Rule 13.2		of proceedings — insufficient grounds
Rule 13.3	Notice to resp	pondent — requirements
Rule 13.4		ement — waiver
Rule 13.5	Hearings —	continuance
Rule 13.6	Attorney con	ference with respondent — location — transportation
Rule 13.7	Service, other	r than personal
Rule 13.8	Return of ser	vice
Rule 13.9	Amendment	of proof of service
Rule 13.10		lence and argument — predetermination
Rule 13.11		lence and argument — after confinement
Rule 13.12		report to attorney
Rule 13.13	Physician's re	
Rule 13.14	Probable caus	
Rule 13.15		ounty location
Rule 13.16	Hearing — lo	ocation at hospital or treatment facility
Rule 13.17		rights explained before hearing
Rule 13.18	Subpoenas	
Rule 13.19		earing — exceptions
Rule 13.20		lectronic recording
Rule 13.21		n county of confinement
Rule 13.22	Evaluation ar	· · · · · · · · · · · · · · · · · · ·
Rule 13.23	Evaluation —	- time extension
Rule 13.24	Evaluation re	port
Rule 13.25	Reports issue	
Rule 13.26	Clerk's filing	
Rule 13.27		etention — magistrate's approval
Rule 13.28		etention — attending physician absent from facility
Rule 13.29	Attorney app	
Rule 13.30	Chemotherap	
Rules 13.31 to 13.34	Reserved	
Rule 13.35	Forms for I	nvoluntary Commitment or Treatment of Persons with
		Related Disorders
	Form 1:	Application Alleging Substance-Related Disorder
		Pursuant to Iowa Code Section 125.75
	Form 2:	Affidavit in Support of Application Alleging
		Substance-Related Disorder Pursuant to Iowa Code
		Section 125.75
	Form 3:	Notice to Respondent Pursuant to Iowa Code Section
	_	125.77
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.
	Form 4:	Order for Immediate Custody Pursuant to Iowa Code
		Section 125.81
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.
	Form 5:	Application for Appointment of Respondent's Counsel
	••	and Financial Statement
	Form 6:	Order Appointing Respondent's Attorney Pursuant to
		Iowa Code Section 125.78
		Removed from chapter by court order May 22, 2019,
		effective September 3, 2019.

Form 7: Application for Appointment of Applicant's Counsel and Financial Statement Pursuant to Iowa Code Section Form 8: Order Appointing Applicant's Attorney Pursuant to Iowa Code Section 125.78(2) Removed from chapter by court order May 22, 2019, effective September 3, 2019. Form 9: Appointment of Physician Pursuant to Iowa Code Section 125.78 Removed from chapter by court order May 22, 2019, effective September 3, 2019. Form 10: Physician's Report of Examination Pursuant to Iowa Code Section 125.80 Form 11: Order for Continuance Pursuant to Iowa Code Section 125.80(4) Removed from chapter by court order May 22, 2019, effective September 3, 2019. Form 12: Stipulation Pursuant to Iowa Code Section 125.82 and Rule 13.19 Form 13: Notice of Medication Pursuant to Iowa Code Section 125.82(1) Form 14: Discharge and Termination of Proceedings Pursuant to Iowa Code Section 125.82(4) Removed from chapter by court order May 22, 2019, effective September 3, 2019. Findings of Fact and Order Pursuant to Iowa Code Form 15: **Section 125.83** effective September 3, 2019. Form 16: Application for Order for Extension of Time for

Removed from chapter by court order May 22, 2019,

Evaluation Pursuant to Iowa Code Section 125.83

Order for Extension of Time Pursuant to Iowa Code Form 17: Section 125.83

> Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 18: Report of the Attending Physician's Substance-Related Disorder Evaluation Pursuant to Iowa Code Section 125.84

Form 19: Periodic Report Pursuant to Iowa Code Section 125.86(1)

Form 20: Periodic Report Pursuant to Iowa Code Section 125.86(2)

Form 21: Notice of Facility Administrator's Request for Extension of Time Pursuant to Iowa Code Section 125.83

> Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Order After Evaluation Pursuant to Iowa Code Section Form 22: 125.84

> Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 23: Report of Respondent's Discharge Pursuant to Iowa Code Section 125.85(4)

Form 24: Order Confirming Respondent's Discharge Terminating Proceedings Pursuant to Iowa Code Section 125.85(4)

> Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Notice of Appeal From the Findings of the Judicial Form 25: Hospitalization Referee

Form 26: Claim, Order, and Certificate for Attorney or Physician's

Form 27: Authorization of Detention Pursuant to Iowa Code

Section 125.91(2)

Form 28: Magistrate's Report Pursuant to Iowa Code Section

125.91(2)(b)

Removed from chapter by court order May 22, 2019,

effective September 3, 2019.

Form 29: Magistrate's Order of Detention Pursuant to Iowa Code

Section 125.91(3)

Removed from chapter by court order May 22, 2019,

effective September 3, 2019.

CHAPTER 13 RULES FOR INVOLUNTARY COMMITMENT OR TREATMENT OF PERSONS WITH SUBSTANCE-RELATED DISORDERS

Rule 13.1 Application — forms obtained from clerk. A form for application seeking the involuntary commitment or treatment of any person on grounds of substance-related disorder may be obtained from the clerk of court in the county in which the person whose commitment is sought resides or is presently located. Such application may be filled out and presented to the clerk by any person who has an interest in the treatment of another for substance-related disorder and who has sufficient association with or knowledge about that person to provide the information required on the face of the application and under Iowa Code section 125.75. The clerk or clerk's designee shall provide the forms required by Iowa Code section 125.75 to the person who desires to file the application for involuntary commitment. The clerk shall see that all the information required by Iowa Code section 125.75 accompanies the application.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rule 13.2 Termination of proceedings — insufficient grounds. If the judge or referee determines that insufficient grounds to warrant a hearing on the respondent's substance misuse appear on the face of the application and supporting documentation, the judge or referee shall order the proceedings terminated and so notify the applicant. All papers and records pertaining to terminated proceedings shall be confidential and subject to the provisions of Iowa Code section 125.93.

[Report 1984; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rule 13.3 Notice to respondent — requirements.

- 13.3(1) If the judge or referee determines that sufficient grounds to warrant a hearing on the respondent's substance misuse appear on the face of the application and supporting documentation, the sheriff or sheriff's deputy shall immediately serve notice, personally and not by substitution, on the respondent. Pursuant to Iowa Code section 125.79, notice also shall be served on respondent's attorney as soon as the attorney is identified or appointed by the judge or referee.
- **13.3(2)** If the respondent is to be taken into immediate custody pursuant to Iowa Code section 125.81, the notice shall include a copy of the order required by Iowa Code section 125.81 and rule 13.14.
- **13.3(3)** The notice of procedures required under Iowa Code section 125.77 shall inform the respondent of the following:
 - a. Respondent's immediate right to counsel, at public expense if necessary.
- b. Respondent's right to request an examination by a physician of the respondent's choosing, at public expense if necessary.
 - c. Respondent's right to be present at the hearing.
- d. Respondent's right to a hearing within five days if the respondent is taken into immediate custody pursuant to Iowa Code section 125.81.
- e. Respondent's right not to be forced to hearing sooner than 48 hours after notice, unless respondent waives such minimum prior notice requirement.
 - f. Respondent's duty to remain in the jurisdiction and the consequences of an attempt to leave.
- g. Respondent's duty to submit to examination by a physician appointed by the court. [Report 1984; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]
- Rule 13.4 Notice requirement waiver. The respondent may waive the minimum prior notice requirement only in writing and only if the judge or referee determines that the respondent's best interests will not be harmed by such waiver.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.5 Hearings — continuance. At the request of the respondent or respondent's attorney, the hearing provided in Iowa Code section 125.82 may be continued beyond the statutory limit so that the respondent's attorney has adequate time to prepare respondent's case. In such instances custody pursuant to Iowa Code section 125.81 may be extended by court order until the hearing is held. The continuance shall be no longer than five days beyond the statutory limit. The granting of a

continuance shall not prevent the facility from making application to the court for an earlier release of the respondent from custody.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.6 Attorney conference with respondent — location — transportation. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under Iowa Code section 125.81, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in Iowa Code section 125.82. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.7 Service, other than personal. If personal service as defined in rule 13.3 cannot be made, any respondent may be served as provided by court order, consistent with due process of law. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.8 Return of service. Returns of service of notice shall be made as provided in Iowa R. Civ. P. 1.308.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.9 Amendment of proof of service. Amendment of process or proof of service shall be allowed in the manner provided in Iowa R. Civ. P. 1.309. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.10 Attorney evidence and argument — predetermination. If practicable the court should allow the respondent's attorney to present evidence and argument prior to the court's determination under Iowa Code section 125.81.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.11 Attorney evidence and argument — after confinement. If the respondent's attorney is not afforded an opportunity to present evidence and argument prior to the court's determination under Iowa Code section 125.81, the attorney shall be entitled to do so after the determination during the course of respondent's confinement pursuant to an order issued under that section. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.12 Examination report to attorney. The clerk shall furnish the respondent's attorney with a copy of the examination report filed pursuant to Iowa Code section 125.80(2), as soon as possible after receipt. In ruling on any request for an extension of time under Iowa Code section 125.80(4), the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare responses from physicians engaged by respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined respondent and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.13 Physician's report. The court-designated physician shall submit a written report of the examination as required by Iowa Code section 125.80(2) on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report:

- (1) Respondent's name;
- (2) Address;
- (3) Date of birth;
- (4) Place of birth;
- (5) Sex;
- (6) Occupation;
- (7) Marital status;
- (8) Number of children, and names;

- (9) Nearest relative's name, relationship, and address; and
- (10) The physician's diagnosis and recommendations, with a detailed statement of the observations or medical history which led to the diagnosis.

 [Report 1984; November 9, 2001, effective February 15, 2002]
- **Rule 13.14 Probable cause to injure.** The judge's or referee's order for respondent's immediate custody under Iowa Code section 125.81 shall include a finding of probable cause to believe that the respondent is a person with a substance-related disorder and is likely to inflict self-injury or injure others if allowed to remain at liberty.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

- Rule 13.15 Hearing county location. The hearing provided in Iowa Code section 125.82 shall be held in the county where the application was filed, unless the judge or referee finds that the best interests of the respondent would be served by transferring the proceedings to a different location. [Report 1984; November 9, 2001, effective February 15, 2002]
- Rule 13.16 Hearing location at hospital or treatment facility. The hearing required by Iowa Code section 125.82 may be held at a hospital or other treatment facility, provided that a proper room is available and that such a location would not be detrimental to the best interests of respondent. [Report 1984; November 9, 2001, effective February 15, 2002]
- Rule 13.17 Respondent's rights explained before hearing. Respondent's attorney shall explain to respondent the respondent's rights and the possible consequences of the proceedings. Prior to the commencement of the hearing under Iowa Code section 125.82, the judge or referee shall ascertain whether the respondent has been so informed. [Report 1984; November 9, 2001, effective February 15, 2002]
- **Rule 13.18 Subpoenas.** Subpoena power shall be available to all parties participating in the proceedings, and subpoenas or other investigative demands may be enforced by the judge or referee. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.19 Presence at hearing — exceptions.

- **13.19(1)** The applicant and any physician or mental health professional who has examined respondent in connection with the commitment proceedings must be present at the hearing conducted under Iowa Code section 125.82, unless their presence is waived by the respondent's attorney, the judge or referee finds that their presence is not necessary, or their testimony can be taken through telephonic means and the respondent's attorney does not object.
- 13.19(2) The respondent must be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing to respondent's absence. Such stipulation shall state that the attorney has conversed with the respondent, that in the attorney's judgment the respondent can make no meaningful contribution to the hearing or has waived the right to be present, and the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and shall be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by respondent's absence.

[Report 1984; October 11, 1991, effective January 2, 1992; November 9, 2001, effective February 15, 2002]

- **Rule 13.20 Hearing electronic recording.** An electronic recording or other verbatim record of the hearing provided in Iowa Code section 125.82 shall be made and retained for three years or until the respondent has been discharged from involuntary custody for 90 days, whichever is longer. [Report 1984; November 9, 2001, effective February 15, 2002]
- **Rule 13.21 Transfer from county of confinement.** If the respondent is in custody in another county prior to the hearing provided in Iowa Code section 125.82, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held sufficiently prior thereto to facilitate preparation by respondent's attorney. Such requests shall not be denied unless they are unreasonable and the denial would not harm respondent's interests in representation by counsel. This

rule does not authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.22 Evaluation and treatment. If, upon hearing, the court finds respondent to be a person with a substance-related disorder, evaluation and treatment shall proceed as set out in Iowa Code section 125.83.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rule 13.23 Evaluation — time extension. Pursuant to Iowa Code section 125.83, the facility administrator may request a seven-day extension of time for further evaluation by filing a written application with the clerk of court in the county in which the hearing was held. The application shall contain a statement by the facility administrator or the administrator's designee identifying with reasonable particularity the basis of the request for extension. The clerk shall immediately notify the respondent's attorney of the request by furnishing a copy of the application. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.24 Evaluation report. The facility administrator's report under Iowa Code section 125.84 shall include a written evaluation of the respondent by the attending physician or the physician's designee. The evaluation must state with reasonable particularity the basis for the diagnostic conclusions concerning the respondent's substance misuse and recommended treatment. The evaluation shall specify the basis for the attending physician's conclusions regarding respondent's substance misuse, capacity to understand the need for treatment, and dangerousness. The evaluation also shall specify the basis for the attending physician's conclusions concerning recommended treatment and the basis for the judgment that the recommended treatment is the least restrictive alternative possible for the respondent pursuant to options (1), (2), (3), or (4) of Iowa Code section 125.84.

[Report 1984; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rule 13.25 Reports issued by clerk. The clerk shall promptly furnish to the respondent's attorney copies of all reports issued under Iowa Code section 125.86. Such reports shall comply substantially with the requirements of rule 13.24.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.26 Clerk's filing system. The clerk shall institute an orderly system for filing periodic reports required under Iowa Code section 125.86 and shall monitor the reports to ascertain when a report is overdue. If a report is not filed when due, the clerk shall notify the administrator of the treatment facility.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.27 Emergency detention — magistrate's approval. If the magistrate cannot immediately proceed to the facility where a person is detained pursuant to Iowa Code section 125.91, the magistrate shall verbally communicate approval or disapproval of the detention. Such communication shall be duly noted by the administrator of the facility on the form prescribed by this chapter. [Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.28 Emergency detention — attending physician absent from facility. If the facility to which the respondent is delivered pursuant to Iowa Code section 125.91 lacks an attending physician, the person then in charge of the facility shall immediately notify a physician whenever treatment appears necessary to protect the respondent. The person in charge of the facility shall then immediately notify the magistrate.

[Report 1984; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rule 13.29 Attorney appointed. As soon as practicable after the respondent's delivery to a facility under Iowa Code section 125.91, the magistrate shall identify or appoint an attorney for the respondent and shall immediately notify such attorney of respondent's emergency detention. If counsel can be identified at the time of respondent's arrival at a facility, or if legal services are available through

a legal aid or public defender office, the magistrate must immediately notify such counsel. Such counsel shall be afforded an opportunity to interview the respondent before or after the magistrate's order is issued.

[Report 1984; November 9, 2001, effective February 15, 2002]

Rule 13.30 Chemotherapy procedure. When chemotherapy has been instituted prior to a hearing under Iowa Code section 125.82, the attending physician of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing. The report shall identify all types of chemotherapy given and shall specify which were administered to affect the respondent's behavior or mental state during any period of custody authorized by Iowa Code section 125.81 or 125.91. For each type of chemotherapy the report shall indicate that the chemotherapy was given with the consent of the respondent or the respondent's next of kin or guardian or, if not, that the chemotherapy was necessary to preserve the respondent's life or to appropriately control respondent's behavior in order to avoid physical injury to the respondent or others. The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly, and provide a copy of the report to respondent's attorney.

[Report 1984; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012]

Rules 13.31 to **13.34** Reserved.

Rule 13.35 Forms for Involuntary Commitment or Treatment of Persons with Substance-Related Disorders.

Rule 13.35 — Form 1: Application Alleging Substance-Related Disorder Pursuant to Lowa Code

Rule 13.35 — Form 1: Application Alleging Substance-Related Disorder Pursuant to Iowa Code Section 125.75.

In the Iowa District Court for	or <u>Co</u>	ounty	
In the Matter of:	No		
Alleged to be a Person with a Substance-Related Disorder,	Code Section		
Respondent.			
I,, of			
Respondent is a person with a substance-related d	isorder. In support there	of, I state	e as follows:
Based on the above facts, I believe respondent is a	danger to himself or her	self or o	thers.
Do you request the Respondent be taken into imm	ediate custody? Yes □]	No □
☐ Attached hereto is a written statement of a lic	ensed physician in suppo	rt of this	s application.
☐ Attached hereto is an affidavit corroborating t	these allegations.		
Oath and Signature			
I,, have Print your full name: first, middle, last	read this Application, and	I certify ı	under penalty
Print your full name: first, middle, last of perjury and pursuant to the laws of the State of Iowa Application is true and correct.			
			, 20
Applicant's signature*	Month	Day	Year
Mailing address	City	State	ZIP code
() Phone number Email address	4.110	1 11	·C 1: - 11-
Phone number Email address	Additional email	l address,	if applicable

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 13.35 — Form 2: Affidavit in Support of Application Alleging Substance-Related Disorder Pursuant to Iowa Code Section 125.75.

	In the Iowa District Court for	or	County	
In the Matter of: Alleged to be a Person Substance-Related Di	n with a sorder,	No Affidavit in Supp Alleging Substanc Pursuant to Iowa (ort of Appl e-Related D	isorder
Respondent.				
I,state that I am acquain	, of, net, of	(address) esides at		
In support thereof, I st	ve Respondent is a person w tate as follows:	iui a substance-relatec	i disorder.	
	, have ne: first, middle, last to the laws of the State of Iow	e read this Affidavit, and	•	
Affiant's signature*		Month	Day	, 20
Mailing address		City	State	ZIP code
Phone number	Email address	Additional (email address,	if applicable

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 13.35 — Form 3: Notice to Respondent Pursuant to Iowa Code Section 125.77.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; May 22, 2019, effective September 3, 2019]

Rule 13.35 — Form 4: Order for Immediate Custody Pursuant to Iowa Code Section 125.81.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; May 22, 2019, effective September 3, 2019]

Rule 13.35 — Form 5: Application for Appointment of Respondent's Counsel and Financial Statement.

In the Iowa District Cou	ut for	Coun	ty
In the Matter of: Alleged to be a Person with a Substance-Related Disorder,	Respondent's Co	r Appointment of	
Respondent.			
I, the undersigned, say that I am (Respondent) (next friend) or (guardian) herein, and I reque Respondent at public expense. The following submitted in support of this application.	est the court to appoint co		
Name:			
Address:			
Marital status:			
Number and age of dependents:			
Business or employment:			
Average weekly earnings:			
Is spouse working: Yes □ No □ If yes,	o ☐ If no, is Responder	nt working and at w	what mings:
Is Respondent now in custody: Yes □ No salary? Yes □ No □ West □ No □ If yes, Motor vehicles: List make, year, amount of List balance of bank accounts of Respondent	name of employer and a pwing thereon, if any, and and spouse:	nt working and at weekly ear	what mings:
Is Respondent now in custody: Yes □ No salary? Yes □ No □ West □ No □ If yes, Motor vehicles: List make, year, amount of List balance of bank accounts of Respondent List all sources of income other than salary from the salary for the salary from the sal	name of employer and a pwing thereon, if any, and and spouse:	nt working and at verage weekly ear	what mings: tered.
Is Respondent now in custody: Yes □ No salary? Yes □ No □ West □ No □ If yes, Motor vehicles: List make, year, amount of List balance of bank accounts of Respondent	If no, is Responder name of employer and a name of e	nt working and at verage weekly ear	what nings: tered.
Is Respondent now in custody: Yes No Salary? Yes No No No Salary? Yes No No Salary? Yes No No Salary? Yes No Salary? Yes No Salary? No Salary? No Salary? No Salary from No Salary? No Salary. No Salary? No Salary.	o □ If no, is Responder name of employer and a owing thereon, if any, and and spouse: om employment: thereof: owned by Respondent, of, have read this Applica	verage weekly ear I how title is regist other than clothing	what mings: tered. and and
Is Respondent now in custody: Yes No salary? Yes No No No If yes, Is spouse working: Yes No If yes, Motor vehicles: List make, year, amount of List balance of bank accounts of Respondent List all sources of income other than salary frought Describe real estate owned, if any, and value Total amount of debts: List on the reverse side hereof all other assets personal effects.	o □ If no, is Responder name of employer and a owing thereon, if any, and and spouse: om employment: thereof: owned by Respondent, of, have read this Applica	verage weekly ear I how title is regist other than clothing	what mings: tered. and and
Is Respondent now in custody: Yes No Salary? Yes No No No Salary? Yes No No Salary? Yes No No Salary? Yes No Salary? Yes No Salary? No Salary? No Salary? No Salary? No Salary from No Salary? No Salary. No Sala	o □ If no, is Responder name of employer and a owing thereon, if any, and and spouse: om employment: thereof: owned by Respondent, of, have read this Applica	verage weekly ear I how title is regist other than clothing	what mings: tered. and and
Is Respondent now in custody: Yes No salary? Yes No No No No If yes, No tor vehicles: List make, year, amount of List balance of bank accounts of Respondent List all sources of income other than salary froughter Describe real estate owned, if any, and value Total amount of debts: List on the reverse side hereof all other assets personal effects. Ath and Signature Print your full name: first, middle, last perjury and pursuant to the laws of the State of Iowall correct.	o □ If no, is Responder name of employer and a owing thereon, if any, and and spouse: om employment: thereof: owned by Respondent, of that the information I have	verage weekly ear I how title is regist other than clothing ation, and I certify u	what mings: tered. and under penalty plication is tr

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 13.35 — Form 6: Order Appointing Respondent's Attorney Pursuant to Iowa Code Section 125.78.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 7: Application for Appointment of Applicant's Counsel and Financial Statement Pursuant to Iowa Code Section 125.76.

In the Iowa District Court for	or	County	
In the Matter of:	No		
Alleged to be a Person with a Substance-Related Disorder, Respondent.	Applicant's Cou Statement	r Appointment of unsel and Financia t Pursuant to Section 125.76	al
I, the undersigned, state that I am the Applicant, court to appoint counsel to represent me at public and 125.78(2). I submit the following statement rethis Application.	expense, pursuant to Id		
Name:			
Address:			
Marital status: Married □ Single □			
Number of dependants: Ages of dependa	nts:		
Business or employment:			
Average weekly earnings:			
Total income past 12 months:			
Is spouse working: Yes □ No □ If yes, of spouse:	name of employer an		
Motor vehicles: List make, year, amount owed of is registered.	n the vehicle if any, a		the title
List balance of bank accounts of applicant and sp	ouse:		
List all sources of income other than salary from e	mployment:		
Describe real estate owned, if any, and value there			
Total amount of debts:			
Listed on the reverse side of this form are all othe effects. The foregoing statements are true to the 1 perjury, and are made in support of application for financially unable to employ counsel.	oest of my knowledge	, are made under pe	enalty of
eath and Signature			
	_, have read this Appli	cation, and I certify u	ınder
Print your full name: first, middle, last			
enalty of perjury and pursuant to the laws of the State of pplication is true and correct.	Iowa that the information	on I have provided in	this
pplicant's signature*	Month	Day	20
ailing address	City	State	ZIP cod
<u> </u>		g	3 69 23460
one number Email address	Addi	tional email address, if	applicable

*Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 13.35 — Form 8: Order Appointing Applicant's Attorney Pursuant to Iowa Code Section 125.78(2).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 9: Appointment of Physician Pursuant to Iowa Code Section 125.78.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 10: Physician's Report of Examination Pursuant to Iowa Code Section 125.80.

In the Iowa D	istrict Court for	County	
In the Matter of:		's Report of Examinant to Iowa Code Secti	
Alleged to be a Person with a Substance-Related Disorder,		125.80	
Respondent.			
Date and Time of Examination:			
1. Respondent's name:			
2. Address:(street)	(city or town)	(county)	(state)
3. Date of birth:	(month)	(year)	42.
4. Place of birth:			
5. Sex:			
6. Occupation:			
7. Marital status: Single □ M	Married □ Divorced □		
8. Number of children:			
9. Nearest relative's name:	relation	nship:	
address:(street)	(city or town)	(county)	(state)
Please provide addres	professional assist with thidual:s:	nis exam? Yes □	No □ No □
12. In your judgment is responde If so, state diagnosis and sup		nce-related disorder?	Yes□ No□
		ot, state supporting ob	

Physician's Report of Examination (cont'd)

14. In your judgment, is the respondent treatable? Yes □ No □ If yes, state diagnosis and supporting observations or medical history:
15. In your judgment, is the respondent likely to physically injure himself or herself or others? Yes □ No □
If yes, what has led you to this conclusion?
16. In your judgment, is the respondent likely to inflict severe emotional injury on those who cannot avoid contact with Respondent? Yes □ No □
17. Can Respondent be evaluated on an out-patient basis? Yes □ No □ Basis for answer:
18. Can Respondent, without danger to self or others, be released to the custody of a relative or friend during the course of evaluation? Yes □ No □
19. Is full-time hospitalization necessary for evaluation? Yes □ No □
20. Does Respondent have a prior history of treatment for a substance-related disorder? Yes □ No □ If so, please specify:
21. Has Respondent been medicated within 12 hours of the time of the hearing? Yes □ No □ If so, supply the probable effects of the medication:
Medicine:
Dosage:
Time:
Signed:Physician
Address:

Rule 13.35 — Form 11: Order for Continuance Pursuant to Iowa Code Section 125.80(4).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 12: Stipulation Pursuant to Iowa Code Section 125.82 and Rule 13.19.

In the Iowa District Court fo	orCounty
In the Matter of: Alleged to be a Person with a Substance-Related Disorder, Respondent.	No Stipulation Pursuant to Iowa Code Section 125.82 and Rule 13.19
	disorder.
	:ondent's Attorney

Rule 13.35 — Form 13: Notice of Medication Pursuant to Iowa Code Section 125.82(1).

In the Iowa District Court for	County
In the Matter of:	No Notice of Medication Pursuant to Iowa Code Section 125.82(1)
Alleged to be a Person with a Substance-Related Disorder,	
Respondent.	
I hereby certify that Respondent was medicated	
The probable effects of the medication are as for	bllows:
The medication: may □ probably will not □	□ affect Respondent's ability to understand the
nature of these proceedings.	
	Physician

Rule 13.35 — Form 14: Discharge and Termination of Proceedings Pursuant to Iowa Code Section 125.82(4).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 15: Findings of Fact and Order Pursuant to Iowa Code Section 125.83.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 16: Application for Order for Extension of Time for Evaluation Pursuant to Iowa Code Section 125.83.

In the Iowa District Court f	or County
In the Matter of:	No
Alleged to be a Person with a Substance-Related Disorder,	Application for Order for Extension of Time for Evaluation Pursuant to Iowa Code Section 125.83
Respondent.	
I, the facility administrator ofrequest an extension of time not to exceed s	(name of facility) seven days in order to complete the evaluation of
Respondent.	
I request this extension because:	
Dated this day of	., 20
	Facility Administrator

Rule 13.35 — Form 17: Order for Extension of Time Pursuant to Iowa Code Section 125.83.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 18: Report of the Attending Physician's Substance-Related Disorder Evaluation Pursuant to Iowa Code Section 125.84.

	In the Iowa District Court	For County
In the	e Matter of:	No
Resp	ondent.	
Da	te and time of evaluation:	
1.	Treatment Respondent has received during	the present hearing and evaluation period:
2.	Medication given for withdrawal symptom mental state:	s and the effect on Respondent's behavior or
3.	Have there been previous incidents of subs (a) If yes, give approximate dates:	
	(b) Was hospitalization or treatmen If yes, give place, date, length of st	
4.	Respondent's past medical history:	
5.	Is there a family history of substance misus If yes, give names and relationship	
6.	In your judgment, is Respondent a person v Yes □ No □ If yes, state diagnosis and supporting	
7.		making responsible decisions with respect to No or medical history:
8.	In your judgment, is the respondent treatab If yes, state diagnosis and supporting	

Report of the Attending Physician's Substance-Related Disorder Evaluation (cont'd)

Yes □	is Respondent likely to physically injure himself or herself or others? No □ led you to this conclusion?
	is Respondent likely to inflict severe emotional injury on those unable to h Respondent? Yes \square No \square
11. Proposed Treatm Please cl	nent: heck one of the four alternatives contained in Iowa Code section 125.84.
1.	Respondent does not, as of the date of this report, require further treatment for substance-related disorder.
2.	R espondent is a person with substance-related disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment.
	R espondent is a person with substance-related disorder who is in need of ment, but does not require full-time placement in a facility.
4.	Respondent is a person with substance-related disorder who is in need of treatment, but in the opinion of the attending physician is not responding to the treatment provided. Recommendation for alternative placement.
	Signed, M.D. Attending Physician/Designee
	Address

Rule 13.35 — Form 19: Periodic Report Pursuant to Iowa Code Section 125.86(1).

In the Iowa District Court for	County
In the Matter of:	No Periodic Report Pursuant to Iowa Code Section 125.86(1)
Respondent.	
Date	
1. An order for continued placement of Respond of, 20	ent at this facility was entered on the day
Facility:Ac	ldress:
Patient's Name:	_ Hospital Number: DOB:
County of Settlement:	County of Commitment:
Transfer from: Tra	ansfer Date:
Last Evaluation Date:	_ Date of this Visit:
Diagnosis:	
2. Current therapy: List all types of therapy, inclu	iding medication.
PHYSICAL CONDITION: Ambulatory Wheelchair Bed Pa General Appearance: Good Fair Poor Eating Habits: Good Fair Poor Sleeping Habits: Good Fair Poor Incontinent: Yes No Sometimes Diet: Regular Reduction Other (specify): List any physical problems such as seizures, d heart, sight, hearing, etc.:	_ Poor or
BEHAVIOR: Improved Unchanged Disturbing Is this patient easily managed in your facility? WORK: Is patient currently employed? Yes No In If yes, where?	Yes □ No □

Periodic Report Pursuant to Iowa Code Section 125.86(1) (cont'd)

FAMILY SITUATION: Single □ Married □ Divorced □ Dissolution in progress □		
Does this patient receive Social Security? Yes □ No □ If yes, what kind: Disability □ Pension □		
RECREATIONAL ACTIVITIES: Participation: ActiveLimited Observe Only Type		
VISITORS: No Yes FrequencyWho		
MAIL: ReceivesWrites		
INTERVIEW SUMMARY		
COVER THE FOLLOWING: (1) Present physical and mental condition; (2) Adjustment to facility; (3) Behavior during interview; and (4) Administrator's viewpoint of patient.		
3. In my opinion, Respondent's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:		
4. In my opinion, the following subsection of Iowa Code section 125.84 is applicable (check one):		
☐ (a) Respondent does not, as of this date, require further treatment for substance-related disorder.		
☐ (b) Respondent is a person with substance-related disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment.		
☐ (c) Respondent is a person with substance-related disorder who is in need of treatment but does not require full-time placement in a facility. (See recommendation below.)		
☐ (d) Respondent is a person with substance-related disorder who is in need of treatment but is not responding to the treatment provided. (See recommendation below.)		
RECOMMENDATIONS:		
5. Respondent was tentatively discharged on, pursuant to Iowa Code section 125.85 because in my opinion Respondent no longer requires treatment or care as a person with substance related disorder. (See explanation below.)		
EXPLANATION:		
Respondent seen at on		
Respondent seen aton		
(interviewer) (title)		
MT		
(Attending Physician/Designee)		

Rule 13.35 — Form 20: Periodic Report Pursuant to Iowa Code Section 125.86(2).

In the Iowa District Court fo	rCounty
In the Matter of:	No Periodic Report Pursuant to Iowa Code Section 125.86(2)
Respondent.	
Date	
An order for continued placement of Respond of, 20	ent at this facility was entered on the day
Facility:Ad	ldress:
Patient's Name:	_ Hospital Number: DOB:
County of Settlement:	County of Commitment:
	nnsfer Date:
Last Evaluation Date:	_ Date of this Visit:
Diagnosis:	
2. Current therapy: List all types of therapy, inclu	ding medication.
PHYSICAL CONDITION: Ambulatory Wheelchair Bed Pa General Appearance: Good Fair Poor _ Eating Habits: Good Fair Poor _ Sleeping Habits: Good Fair Poor _ Incontinent: Yes No Sometimes Diet: Regular Reduction Other (specify): List any physical problems such as seizures, deheart, sight, hearing, etc.: BEHAVIOR: □ Improved □ Unchanged □ Disture Is this patient easily managed in your facility? WORK:	Poor
Is patient currently employed? Yes \(\square\) No \(\text{If yes, where?} \)	<u> </u>

Periodic Report Pursuant to Iowa Code Section 125.86(2) (cont'd)

FAMILY SITUATION: Single □ Married □ Divorced □ Dissolution in progress □		
Does this patient receive Social Security? Yes □ No □ If yes, what kind: Disability □ Pension □		
RECREATIONAL ACTIVITIES: Participation: ActiveLimited Observe Only Type		
VISITORS: No Yes FrequencyWho		
MAIL: ReceivesWrites		
INTERVIEW SUMMARY		
COVER THE FOLLOWING: (1) Present physical and mental condition; (2) Adjustment to facility; (3) Behavior during interview; and (4) Administrator's viewpoint of patient.		
3. In my opinion, Respondent's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:		
4. In my opinion, the following subsection of Iowa Code section 125.84 is applicable (check one):		
☐ (a) Respondent does not, as of this date, require further treatment for substance-related disorder.		
□ (b) Respondent is a person with substance-related disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment.		
☐ (c) Respondent is a person with substance-related disorder who is in need of treatment but does not require full-time placement in a facility. (See recommendation below.)		
☐ (d) Respondent is a person with substance-related disorder who is in need of treatment but is not responding to the treatment provided. (See recommendation below.)		
RECOMMENDATIONS:		
5. Respondent was tentatively discharged on		
EXPLANATION:		
Respondent seen at on		
to the second of		
(interviewer) (title)		
(Provide name and title of person submitting report)		
(Facility)		

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008; June 29, 2012, effective September 4, 2012]

Rule 13.35 — Form 21: Notice of Facility Administrator's Request for Extension of Time Pursuant to Iowa Code Section 125.83.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 22: Order After Evaluation Pursuant to Iowa Code Section 125.84.

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 23: Report of Respondent's Discharge Pursuant to Iowa Code Section 125.85(4).

In the Iowa District Court	for County
In the Matter of:	No Report of Respondent's Discharge Pursuant to Iowa Code Section 125.85(4)
Respondent.	
To:, judge of	
(commitment) (treatment) was ordered on	, was discharged from
this facility or from treatment on	
Adn	ninistrator

Rule 13.35 — Form 24: Order Confirming Respondent's Discharge and Terminating Proceedings Pursuant to Iowa Code Section 125.85(4).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 25: Notice of Appeal From the Findings of the Judicial Hospitalization Referee.

In the Iowa District Court	forCounty
In the Matter of:	No Notice of Appeal from the Findings of the Judicial Hospitalization Referee
Respondent.	
To:, jud	dge of the judicial district of Iowa and the
clerk of the district court:	
The undersigned appeals the findings of	, judicial
hospitalization referee, that Respondent is a perso	n with a substance-related disorder, and requests
a review of the matter by a judge of the Iowa distr	rict court for County, Iowa, all
pursuant to Iowa Code section 229.21(3).	
Dated this day of, 20	
(Re:	spondent, Next Friend, Guardian, Attorney)

Rule 13.35 — Form 26: Claim, Order, and Certificate for Attorney or Physician's Fees.

In the Iowa District Court for	Coun	ty	
In the Matter of:	No Claim, Order, and for Attorney or Phys	Certificate sician's Fees	
Alleged to be a Person with a Substance-Related Disorder,	ioi illioney or ray	V.C.	
Respondent.			
The undersigned (attorney) (physician), states th	nat he or she		
was appointed by the (court) (judicial hospitalizati		mine) (respondent)	
(applicant) in substance-related	
disorder proceedings, pursuant to Iowa Code secti			
as set forth on the attached itemized statement; and			
received, or entered into a contract to receive, any	compensation for such service	es from any sources.	
Wherefore, this claimant prays for an order to be Iowa Code section 125.78. Dath and Signature	e compensated in accordance	with the provisions of	
ASS.	1.11. (1.1	1.7 (10 1	
Print your full name: first, middle, last	, nave read this Claim	, and I certify under	
enalty of perjury and pursuant to the laws of the Sta strue and correct.			is Claim
2 C			20
laimant's Signature*	Month	Day	Year
lailing address	City	State	ZIP code
hone number Email address	Addi	tional email address, if ap	plicable

^{*}Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Claim, Order, and Certificate for Attorney or Physician's Fees (cont'd)

ORDER

The foregoing verified claim has been do	uly considered, is fixed and approved in the sum of \$
and ordered paid out of the county treas	ury. The clerk is directed to certify a copy of above claim and
this order to the county auditor for paym	ent to claimant, as provided by statute.
Dated this day of	, 20
	Magistrate/Judge/Judicial Hospitalization Referee
	CERTIFICATE
The above is a torse come of claim and on	der as appears of record in my office and is hereby certified
to county auditor for payment.	der as appears of record in my office and is nevery certified
Done this day of	, 20
	(Deputy) Clerk of Court

[Report 1984; 1995; November 9, 2001, effective February 15, 2002; June 29, 2012, effective September 4, 2012; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 13.35 — Form 27: Authorization of Detention Pursuant to Iowa Code Section 125.91(2).

In the Iowa District Cour	rt for County
In the Matter of: Alleged to be a Person with a Substance-Related Disorder,	No Authorization of Detention Pursuant to Iowa Code Section 125.91(2)
Respondent.	
Date: Time of Detention:	
Time of Notification of Magistrate:	
substance-related disorder who is incapacitated	e is reason to believe Respondent is a person with or is likely to injure himself or herself or others if not g the need for detention is based upon the following
This detention has been authorized by the ver	bal instruction ofte.
	Facility Administrator
Arrival of Magistrate	
Time of arrival of magistrate:	
	Magistrate

Rule 13.35 — Form 28: Magistrate's Report Pursuant to Iowa Code Section 125.91(2)(b).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Rule 13.35 — Form 29: Magistrate's Order of Detention Pursuant to Iowa Code Section 125.91(3).

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

July 2009 Ch 14, p.1

CHAPTERS 14 TO 15

Reserved

CHAPTER 16 IOWA RULES OF ELECTRONIC PROCEDURE

DIVISION I SCOPE AND AUTHORITY

Scope and applicability
Cases pending prior to electronic filing
Relationship to other court rules
Authority
Reserved

DIVISION II DEFINITIONS

Rule 16.201	Definitions
Rules 16.202 to 16.300	Reserved

DIVISION III GENERAL PROVISIONS

Rule 16.301	Electronic document management system (EDMS)
Rule 16.302	Electronic filing mandatory
Rule 16.303	Submission of paper documents
Rule 16.304	Registration; logins; passwords
Rule 16.305	Signatures
Rule 16.306	Electronic filing
Rule 16.307	Electronic file stamp
Rule 16.308	Docket entries
Rule 16.309	Date and time of filing; deadlines; technical difficulties
Rule 16.310	Format of electronic documents
Rule 16.311	Attachments to electronic documents
Rule 16.312	Hyperlinks and other electronic navigational aids
Rule 16.313	Nonelectronic filings
Rule 16.314	Original notice
Rule 16.315	Electronic service of documents subsequent to original notice
Rule 16.316	Certificate of service
Rule 16.317	Additional time after electronic service
Rule 16.318	Service of court-generated documents
Rule 16.319	Filing by potential intervenors or by nonparties
Rule 16.320	Limited appearances
Rules 16.321 to 16.400	Reserved

DIVISION IV FILING PROCESSES

Rule 16.401	Discovery
Rule 16.402	Transcripts
Rule 16.403	Expedited relief
Rule 16.404	Briefs
Rule 16.405	Restricting access to filings
Rule 16.406	In camera inspection
Rule 16.407	Subpoenas
Rule 16.408	Clerk of court certification of documents
Rule 16.409	Proposed orders
Rule 16.410	Court reporter notes
Rule 16.411	Original documents

Rule 16.412	Exhibits
Rules 16.413 to 16.500	Reserved

DIVISION V PUBLIC ACCESS

Rule 16.501	General rule
Rule 16.502	Access to electronic court files
Rule 16.503	Public access terminals
Rule 16.504	Bulk distribution
Rules 16.505 to 16.600	Reserved

DIVISION VI PERSONAL PRIVACY PROTECTION

Rule 16.601	Responsibility to redact or mask protected or confidential information
Rule 16.602	Protected information
Rule 16.603	Omission and redaction requirements
Rule 16.604	Information that may be redacted
Rule 16.605	Manner in which to redact protected information
Rule 16.606	Protected information form
Rule 16.607	Orders and other court-generated documents
Rule 16.608	Improperly included protected information
Rule 16.609	Sanctions
Rules 16.610 to 16.700	Reserved

DIVISION VII CRIMINAL CASES

Rule 16.701	Criminal cases generally
Rule 16.702	Warrants and other similar applications
Rule 16.703	Documents initiating criminal cases
Rule 16.704	Signatures of criminal defendants
Rule 16.705	Documents requiring oaths, affirmations, or verifications
Rule 16.706	Copies of documents for self-represented defendants
Rule 16.707	Written plea agreements
Rules 16.708 to 16.800	Reserved

DIVISION VIII JUVENILE CASES

Rule 16.801	Juvenile cases generally
Rule 16.802	Emergency applications
Rule 16.803	Signatures
Rule 16.804	Documents requiring oaths, affirmations, or verifications
Rules 16.805 to 16.900	Reserved

CHAPTER 16 IOWA RULES OF ELECTRONIC PROCEDURE

DIVISION ISCOPE AND AUTHORITY

Rule 16.101 Scope and applicability.

16.101(1) The rules in this chapter govern the filing of all documents in the Iowa Judicial Branch electronic document management system (EDMS) in cases commenced on or after the initiation of electronic filing in an Iowa county or in the Iowa appellate courts. The rules of this chapter also govern the electronic filing of documents in cases converted to electronic cases.

16.101(2) Chapter 16 comments serve solely as explanation of the Iowa Rules of Electronic Procedure and are not a part of the rules.

16.101(3) The Iowa Rules of Electronic Procedure will be cited as "Iowa R. Elec. P." [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.101. EDMS is designed to provide more efficient and less costly access to the Iowa court system for parties, attorneys, and other users by enabling access to their cases 24 hours per day, 7 days per week from anywhere with Internet access. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.102 Cases pending prior to electronic filing.

16.102(1) A case pending prior to the initiation of electronic filing in a particular county is not subject to the requirements of this chapter. A party, however, may apply to convert a case not subject to the requirements of this chapter to an electronic case.

16.102(2) If the court approves an application to convert a case to electronic filing, the rules of this chapter govern the electronically converted portion of the case. The court will determine how the case will be converted to an electronic file and which party, if any, should bear the costs of such conversion.

16.102(3) For efficiency in court operations, the chief judge of the judicial district may order the electronic conversion of any case not already subject to the requirements of this chapter.

16.102(4) Any electronically converted document is subject to the redaction requirements related to protected information in division VI of this chapter. Documents filed prior to the conversion order may be scanned for the convenience of the court, but the electronic documents will be set at a security level available only to the court. The original paper portion of any converted file is not subject to the Iowa Rules of Electronic Procedure unless the court orders otherwise.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.103 Relationship to other court rules. To the extent these rules are inconsistent with any other Iowa court rule, the rules in this chapter govern electronically filed cases and cases converted to electronic filing.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.104 Authority. These rules are adopted under the authority granted to the Iowa Supreme Court by article V, section 4, of the Iowa Constitution and by Iowa Code section 602.1614 (judicial branch acceptance, distribution, and retention of electronic records).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.105 to 16.200 Reserved.

DIVISION IIDEFINITIONS

Rule 16.201 Definitions. The following terms, as used in this chapter, are defined as follows:

16.201(1) *Confidential.* "Confidential" means court files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

- **16.201(2)** Court-generated document. "Court-generated document" means a document that is created and signed by court personnel, including judges, magistrates, court administrators, clerks of court and any designees of each.
- **16.201(3)** Court record. "Court record" means for all cases the electronic files maintained in EDMS, filings the clerk of court maintains in paper form when permitted by these rules, and exhibits and other materials filed with or delivered to the court that the clerk maintains.
- **16.201(4)** *Document.* "Document" means an instrument on which is recorded, by means of letters, figures, or marks, the original, official, or legal form of something, which may be used in evidence. A document is any physical embodiment of information or ideas, which may be in electronic or paper form.
- **16.201(5)** *EDMS*. "EDMS" means the electronic document management system, the Iowa Judicial Branch electronic filing and case management system.
- **16.201(6)** *Electronic.* "Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- **16.201(7)** Electronic cover sheet. "Electronic cover sheet" means the information that registered filers type into EDMS when they create a new case or electronically file or present documents to the court. The cover sheet enables EDMS to correctly route the filing.
- **16.201(8)** *Electronic filing.* "Electronic filing" means the EDMS receipt of a document submitted to EDMS for filing. The posting of "received," "awaiting approval," or "filed" status in the filer's EDMS account serves as confirmation that EDMS has received the filer's submission.
- **16.201(9)** *Electronic presentation.* "Electronic presentation" means the process by which a party or filer may electronically deliver a document to the court for review or other court action. A document is not filed when electronically presented to the court through EDMS.

COMMENT:

- "Electronic presentation." Formerly, parties and attorneys could physically hand a judge an unfiled document or draft order for consideration. With the implementation of EDMS, this process must now be done electronically. Electronic presentation is initiated through the selection of the "Document Type" on the electronic cover sheet. Most document types that are electronically presented are "Proposed Document" types (proposed orders, proposed dissolution decrees, or documents proposed for restricted access, for example). Other document types, however, such as trial informations and accompanying minutes of testimony, are also presented electronically to the court. A document that is electronically presented is available for the court to view, and is not a part of the court file unless the court or a party or attorney later files the document. The electronic presentation of a document has no impact on whether a party or attorney should or must be present when the court reviews the document. In addition, electronic presentation does not modify the ethical obligations or requirements of the parties, attorneys, and court regarding ex parte communications. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]
- **16.201(10)** *Electronic record.* "Electronic record" means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.
- **16.201(11)** Electronic service. "Electronic service" means the EDMS electronic posting of a notice of electronic filing or presentation into the registered parties' or attorneys' EDMS accounts, along with a link to the document presented or filed. Although a courtesy copy of the notice of electronic filing or service may be sent by email, service is considered complete when the notice is electronically posted to the user's EDMS account. The registered party may view and download the presented or filed document. See rule 16.315(1)(f) (electronic service of documents).
- **16.201(12)** File stamp. "File stamp" means in the district court the date, time, and county information that is affixed at the top of the first page of a document when it is filed in EDMS. "File stamp" means in the appellate courts the date of filing with the clerk of the supreme court affixed along the left margin of a document's first page when it is filed in EDMS.
- **16.201(13)** Filing agent. "Filing agent" means an officer, employee, or nonattorney representative of an entity, such as a partnership, association, corporation, or tribe, who is authorized by Iowa law to appear on behalf of that entity because of the nature of the proceeding. See rule 16.201(34) (definition of "self-represented").
- **16.201(14)** Governmental agency. "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government, the state, or a county, municipality, or other political subdivision of the state, including a court-approved nonprofit designee of such governmental agency.
- **16.201(15)** *Hyperlink.* "Hyperlink" means an electronic connection or reference to another place in the document or other cited authority which, when selected, shows the portion of the document or the cited authority to which the hyperlink refers.
- 16.201(16) In camera. "In camera" means in the judge's chambers, or in private, out of public view.

16.201(17) *Information.* "Information" means documents, text, images, sounds, codes, computer programs, software, databases, or the like.

16.201(18) *Judicial branch.* "Judicial branch" means the Iowa Judicial Branch of government and all courts, judicial officers, clerks of court, and offices of the courts of the State of Iowa.

16.201(19) *Jurisdictional deadline*. "Jurisdictional deadline" means a deadline set by rule or statute that the court may not extend or change.

16.201(20) *Nonelectronic filing.* "Nonelectronic filing" means a process by which a paper document or other nonelectronic item is filed with the court and retained in nonelectronic form. *See* rule 16.313 (nonelectronic filings). "Nonelectronic filing" means, for parties with an exception from the electronic filing registration requirement, submitting a paper document to the clerk for scanning and electronic filing. *See* rule 16.303 (submission of paper documents).

16.201(21) Nonregistered filer: "Nonregistered filer" means a party who has received an exception from the Iowa Judicial Branch electronic registration requirement and is authorized to submit nonelectronic documents in a case. See rule 16.302(2) (exceptions from electronic filing requirements).

16.201(22) *Notice of case association.* "Notice of case association" means an electronic submission by a party or filing agent to obtain access to the case and receive notifications of filings after the party or filing agent has registered in EDMS.

16.201(23) Notice of electronic filing or presentation. "Notice of electronic filing or presentation" means the notice EDMS generates when a document is electronically filed or electronically presented to the court. The notice of electronic filing or presentation indicates the official file-stamp date and time of the electronic filing of the document in local time for the State of Iowa. See rule 16.307 (electronic file stamp). When a document or proposed document is electronically filed or presented to the court, EDMS will post a notice of electronic filing or presentation to the EDMS account of all parties who are registered filers in the case. Such parties may view and download the document or proposed document by logging in to their accounts.

COMMENT:

"Notice of electronic filing or presentation." EDMS sends a courtesy notice of electronic filing or presentation by email to the filer and to any other registered party who has entered an appearance or answer in the case, filed a notice of case association, or filed an appearance as a court-approved intervenor. However, parties are cautioned that such emails are provided only as a *courtesy* service and should not be relied upon as a party's source for obtaining notifications. A courtesy email message is not an official notification of the filing of a document and is not official service of any document listed in the message. Due to the unique features and settings of individual email accounts, EDMS cannot ensure that emailed notices of electronic filing or presentation will actually be received by a party or that such notices will be received in a timely manner. Parties receive official notifications through their EDMS accounts and they should rely solely upon those accounts to obtain notices of electronic filing or presentation. EDMS sends additional courtesy email messages to the filer when the status of a filing is updated to "received," "approved," "filed" (for presented documents only), or "returned not filed." The official update to the status of a filing is posted to the filer's EDMS account under My Filings. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.201(24) Party. "Party" means a person or entity by or against whom a case or part of a case is brought, including a plaintiff, petitioner, defendant, third-party defendant, or respondent. "Party" also includes a court-approved intervenor, or any other person or entity defined as a party to a case by a statute, rule, or court order. When a party appears, the clerk of court will index that party to the case, providing case access and receipt of notifications. When one or more attorneys have entered an appearance on a party's behalf, references in these rules to service upon or filings by a party mean service upon or filings by that attorney or those attorneys. When a rule or statute requires a criminal defendant to be served with a document, service on the defendant must be made personally or electronically.

16.201(25) Proposed document. "Proposed document" means a document electronically presented to the court for review or other court action. A proposed document, other than a proposed exhibit, is not filed until the court takes action on it. See rule 16.412(2) (electronic submission of proposed exhibits).

16.201(26) Protected information. "Protected information" means the types of information referenced in rule 16.602.

16.201(27) *Public.* "Public" refers to court files, documents, or information that is not confidential or protected.

16.201(28) Public access terminal. "Public access terminal" means a computer located in a courthouse through which the public may view, print, and electronically file documents.

- **16.201(29)** *Redact.* "Redact" means to delete, white out, black out, or otherwise hide text or images on a copy of an original document. The original document becomes confidential and the redacted version becomes the public version of the document.
- **16.201(30)** Registered filer: "Registered filer" means a person or entity that has registered with EDMS and uses a login and password to file documents electronically in the Iowa court system. In cases in which the registered filer is a party and has entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor, the registered filer will electronically serve and receive notice of most filed or presented documents. A registered filer, other than a registered specialized nonparty filer, can also electronically view and download files. See rules 16.304 (registration, logins, and passwords) and 16.315 (service of documents subsequent to original notice). But see rule 16.314(3) (service of original notices).
- **16.201(31)** Remote access. "Remote access" means the ability to electronically search, view, copy, or download electronic court documents without visiting a courthouse. Remote access to documents is available to registered filers and specialized nonparty users. The status of the registered filer or specialized nonparty user determines the filer's or user's level of remote access to restricted access documents. See rule 16.502 (access to electronic court files).
- **16.201(32)** Restricted access. "Restricted access" means a case, docket entry, or document, including physical or digital exhibits, which the court has placed at a nonpublic security level or that EDMS has automatically placed at a nonpublic security level based on federal or state law or by court rule or administrative rule. See rule 16.405 (restricting access to filings).
- **16.201(33)** Scanned document. "Scanned document" means an electronic version of a paper document created by scanning the document.
- **16.201(34)** *Self-represented.* "Self-represented" means persons or parties who represent themselves without the assistance of an attorney. An entity such as a partnership, association, corporation, or tribe may be self-represented when it is otherwise authorized by law to be represented by an officer, employee, or nonattorney representative. *See, e.g.*, Iowa Code § 631.14(1); *In re N.N.E.*, 752 N.W.2d 1, 12-13 (Iowa 2008). Except where this chapter specifically indicates otherwise, "attorney" includes self-represented litigants. *See* rule 16.201(13) (definition of "filing agent").
- **16.201(35)** Signature. "Signature" means, for the purpose of electronically filing a document in EDMS, one of three formats.
- a. For a registered filer electronically filing a document, "signature" means the registered filer's login and password, accompanied by one of the following approved signature representations and a block of identifying information as described in rule 16.305(4) (signature block):
- 1. "Digitized signature" means an electronically applied, accurate, and unaltered image of a person's handwritten signature.
- 2. "Electronic signature" means an electronic symbol, either "/s/" or "/efiler's name/," that a person has executed or adopted with the intent to sign the document.
- 3. "Nonelectronic signature" means a handwritten signature applied to an original document that is then scanned and electronically filed.
- b. For a nonregistered filer or party signing a document, or for a registered filer signing a document that another filer will electronically file, "signature" means the filer's or party's name affixed to the document as a digitized or nonelectronic signature, along with a block of identifying information as described in rule 16.305(4).

COMMENT:

- "Signature." For EDMS filing, a "digital signature" must be treated like a nonelectronic signature. "Digital signature" means a complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. It can also be used to ensure that the original content of the message or document that has been delivered is unchanged. When a document is filed in EDMS, it is modified by the electronic file stamp. This causes digitally signed documents to display as altered in EDMS. The filer should print the digitally signed document showing a representation of the signature and the verifying codes, then scan and electronically file the resulting document. If the digitally signed document is an original document as described in rule 16.411, the filer must retain the original document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]
- **16.201(36)** Specialized nonparty filer: "Specialized nonparty filer" means a filer who may file documents in multiple cases without being a party, such as a bail bond agent or a service provider. See rule 16.304(1)(b)(3) (specialized nonparty filer registration).
- 16.201(37) Specialized nonparty user. "Specialized nonparty user" means a nonparty other than an attorney registered to electronically view and download information from electronic files that are not confidential or protected. A specialized nonparty user may view or download documents in multiple cases and may have access to restricted information. A qualified abstractor is a specialized

nonparty user who may have access to birth dates and names of children. *See* rules 16.304(1)(*d*) (requirements for specialized nonparty user registration) and 16.502(2) (abstractor remote access). [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.202 to 16.300 Reserved.

DIVISION IIIGENERAL PROVISIONS

Rule 16.301 Electronic document management system (EDMS). The clerk of court is responsible for maintaining an electronic court file in EDMS for all cases filed under this chapter, receiving case filings into EDMS by electronic transmission and scanning documents into EDMS for nonregistered parties.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.302 Electronic filing mandatory.

16.302(1) Electronic registration and filing requirements. All attorneys authorized to practice law in Iowa, all attorneys admitted pro hac vice, and all self-represented persons, except as this chapter provides, must register to use EDMS as provided in rule 16.304(1). Registered filers must electronically submit all documents to be filed with the court unless this chapter or the court otherwise requires or authorizes.

16.302(2) Exceptions from electronic filing requirements.

- a. One-time exceptions. For good cause, the court at any time, or the clerk of court while the clerk of court office is open, will authorize any filer to submit a document on a one-time basis nonelectronically to the clerk for filing.
- b. Self-represented defendants. A self-represented individual defendant who is not yet a registered filer is permitted to make that defendant's initial filing, such as an answer, in paper.
- c. Duration of case exceptions. For good cause, the chief judge of the judicial district in which a case is pending, or the chief judge's designee, will excuse a self-represented individual party from registering to file electronically and from filing electronically throughout the case. For purposes of this paragraph, good cause includes lack of regular access to the Internet through a device suitable for reading documents maintained at the party's residence or on the party's person.
- d. Court order requirement. Grants and denials of requests for exceptions from registering to file electronically throughout the case will be made by court order.

COMMENT:

Rule 16.302(2). Implementation of electronic filing in Iowa courts should not impede any person's access to justice. When there are legitimate reasons preventing a person from electronic filing, the court should grant that person an exception. A self-represented individual party not only needs to be able to make electronic filings, but also needs to be able to receive and read new electronic filings in a timely manner. Thus, if a party's only access to the Internet is through a public access terminal at a courthouse or through a public library, this should constitute good cause for an exception, if requested, from the requirements for electronic participation in a case. Other grounds may also constitute good cause for an exception from the EDMS registration requirement in a particular case. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

- **16.302(3)** Exceptions by rule. The following persons are excused from the EDMS registration and electronic filing requirements without the necessity of a court order:
- a. Self-represented criminal defendants. A self-represented criminal defendant is not required to be but may choose to be a registered filer.
- b. Confined parties. A party who is confined pursuant to governmental authority, including but not limited to a person who is incarcerated or civilly committed, is excused from registering to file electronically.
- c. Self-represented parents. Self-represented parents of a minor who are parties in a juvenile case are excused from registering to file electronically.
- d. Excused persons may become registered filers. If a person excused under this rule chooses to register, the person waives the exception from registering to file electronically and is governed by these rules in the same manner as any registered filer. If the person later desires to be excused from registration, the person must apply for and receive an exception pursuant to the rules of this chapter. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.303 Submission of paper documents.

16.303(1) Submission of paper documents for scanning.

- a. Delivery to clerk of court. If a court authorizes the clerk of court to scan a paper document, the document must be printed on only one side and delivered to the clerk with no tabs, staples, or permanent clips, but it may be organized with paperclips, clamps, or some other type of temporary fastener, or it may be delivered to the clerk in an appropriate file folder.
- b. Redacted versions of paper documents containing protected information. If a paper document contains protected information, the filer must make the same redactions that rule 16.605 requires for electronic filings before filing the document in paper. For original documents that the filer has not created, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.
- c. Civil cover sheets and confidential information forms. When a filing requires it under the Iowa Rules of Civil Procedure, a filer who is excused from registering to file electronically must complete a civil cover sheet and confidential information form in paper.
- **16.303(2)** Return of documents by mail. If a filer wants the clerk to return an original document that was submitted in paper, the filer must provide the clerk of court a self-addressed, stamped envelope large enough to accommodate the document.
- **16.303(3)** Court retention of paper documents. Except as otherwise provided in these rules, the court will not retain paper documents submitted to it. See, e.g., rule 16.313(1) (items that may be filed nonelectronically).
- **16.303(4)** Paper court files. Except as otherwise provided in these rules or as the court directs, the clerk of court will not maintain paper court files in cases commenced on or after the initiation of electronic filing in a particular county or in the appellate courts. See, e.g., rule 16.313(1) (items that may be filed nonelectronically).
- **16.303(5)** Application of redaction rules for personal privacy protection. The redaction rules for personal privacy protection in division VI of this chapter apply to paper documents submitted for scanning and electronic filing.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.304 Registration; logins; passwords.

16.304(1) *Registration*.

- a. Registration requirement. Registration is required to file documents electronically in any case this chapter governs and to remotely access and download electronically filed documents. See rules 16.302(1) (electronic registration and filing requirements) and 16.502 (access to electronic court files).
- b. Filer registration. To file documents with the court electronically, filers, self-represented litigants, and specialized nonparty filers must complete the EDMS registration process. Filers can request an account and obtain a login and password for EDMS in the electronic filing section of the Iowa Judicial Branch website. Filers can access the registration process with personal computers or by using public access terminals at county courthouses.
- (1) Requirements for pro hac vice registration. Before registering to use EDMS, an out-of-state attorney must first make application for and be admitted pro hac vice pursuant to chapter 31 of the Iowa Court Rules, Admission to the Bar. The in-state attorney appearing with the out-of-state attorney in the proceeding must file the application for admission pro hac vice. If the court grants the application, the out-of-state attorney must complete the registration process in the electronic filing section of the Iowa Judicial Branch website and enter an appearance in the case.
- (2) Requirements for filing agent registration. An officer, employee, or other nonattorney representative electronically filing for an entity such as a partnership, association, corporation, or tribe must register as a filing agent. If the filing agent appears on behalf of multiple entities under the rules of this chapter, the agent must register separately for each entity the agent represents. See rule 16.201(13) (definition of "filing agent").
- (3) Requirements for specialized nonparty filer registration. Specialized nonparty filers must register to file electronically. Specialized nonparty filers may include bail bond agents, process servers, and other persons who generally are not considered parties but who need to file documents in multiple cases.
 - c. Law student and law graduate registration requirements.
- (1) To use EDMS, a law student or law graduate qualified to engage in the practice of law or appear as counsel must contact EDMS Support at the number or email address located on the electronic filing

login page of the Iowa Judicial Branch website to obtain an application for registration. The student or graduate must submit a completed application, signed by a supervising attorney, to obtain a login and password.

- (2) The student or graduate must enter an appearance in each case in which the student or graduate is practicing and must file to withdraw from each case when the student's or graduate's practice is completed.
- (3) Upon termination of the supervision of the student's or graduate's practice, the supervising attorney must notify EDMS Support to have the student's or graduate's registration inactivated.
- (4) A law student or law graduate in good standing who resumes practice before admittance to the bar must reinstate his or her former registration by submitting a new application for registration signed by a current supervising attorney.
- (5) Once the student or graduate is licensed to practice law in Iowa, the new attorney must withdraw from the law student account and register with the attorney identification number (AT PIN) assigned by the office of professional regulation.
 - d. Registration requirements for specialized nonparty users and abstractors.
- (1) To register, specialized nonparty users must request an application through EDMS Support at the telephone number or email address located on the electronic filing login page of the Iowa Judicial Branch website.
- (2) Abstractors are specialized nonparty users. For the purpose of remote access to court documents and otherwise restricted information, an abstractor must either qualify as a "participating abstractor" as recognized by the Title Guaranty Division of the Iowa Finance Authority, be a licensed abstractor at such time that abstractors are licensed in the State of Iowa, or be substantially equivalent to a "participating abstractor" as determined by the state court administrator or the state court administrator's designee.
- e. Changing passwords. Once registered, a registered filer must change the filer's password. If a registered person or entity believes the security of an existing password has been compromised, the person or entity must change the password immediately. The court may require password changes periodically.
- f. Changes in filers' contact information. If a registered filer's email address, mailing address, or telephone number changes, the filer must promptly make the necessary changes to the registered filer's account information on the My Profile page in the filer's EDMS account. The filer must provide appropriate notice of changes in contact information to any nonregistered filer in every active case.
 - g. Duties of registered filers.
 - (1) To update email. Registered filers must maintain current registered email account information.
- (2) *To monitor account*. Registered filers must monitor their accounts regularly and ensure that notifications sent to the account are timely opened.
- (3) To notify the court when no longer able to participate. Registered filers who can no longer participate electronically in their cases must notify the court and request an exception from electronic filing in each case. See rule 16.302(2). When the registered filer has received an exception in each of the filer's open cases, the registered filer must withdraw from participation in electronic filing before the exceptions become effective.
- h. Withdrawal from electronic filing. Registered filers may withdraw from participation in EDMS by logging in to the My Profile page of the filer's EDMS account or by contacting the clerk of court. Upon the withdrawal from electronic filing, the person's or entity's registration, login, and password are canceled and the filer's name is deleted from any applicable electronic service list. A registered filer's withdrawal from participation in EDMS is not authorization to file cases or documents nonelectronically. To file nonelectronically, the filer must obtain an exception from the electronic filing requirement from the chief judge of each judicial district where the filer has a case pending. The filer should obtain an exception from electronic filing before withdrawing from EDMS. A registered filer's withdrawal from participation in EDMS is not a withdrawal from a case.
- **16.304(2)** Logins and passwords. Filers must use logins and passwords to file documents electronically.
- a. Any electronic filing, downloading, or viewing of an electronic file or document is deemed to be made with the authorization of the person registered to use the login and password unless and until clear and convincing evidence proves otherwise.
- b. A registered filer must not knowingly permit the filer's login and password to be used by any other person except:

- (1) A registered attorney may permit the attorney's login and password to be used by an authorized member or staff of the attorney's law office.
- (2) A registered filer for an entity or governmental agency may permit the filer's login and password to be used by an authorized member or staff of the entity or governmental agency.
- c. If a login or password is lost, misappropriated, misused, or compromised in any way, the person registered to use that login or password must promptly contact EDMS Support at the number or email address located on the electronic filing login page of the Iowa Judicial Branch website. If a login or password is lost, misappropriated, misused, or compromised in any way, the court may cancel the registration. The registered person or entity may be required to apply for a new password and login by completing a new registration.
- d. For good cause, the court may refuse to allow a user or a filer to electronically file or download information in EDMS. The affected user or filer may apply with the court to reregister. Improper use of electronic filing, such as an intentional misuse or reckless use of a password or login, may subject a person to court sanctions. A person prohibited from electronic filing is not excluded from using the court system, but the person must obtain authorization under rule 16.302(2) to submit paper documents to the clerk for filing.
- *e.* For system security reasons, a registration may be immediately suspended. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.305 Signatures.

- 16.305(1) Registered filers. A registered filer's login and password required for submission of documents to EDMS, accompanied by a digitized, electronic, or nonelectronic signature representation and a signature block as described in rule 16.305(4)(a), serve as the registered filer's signature on all electronic documents filed with the court. These also serve as a signature for purposes of the Iowa Rules of Civil Procedure, any other applicable Iowa Court Rules, and for any other purpose for which a signature is required in connection with proceedings before the court.
- **16.305(2)** *Nonelectronic signatures.* If a document contains a nonelectronic signature, the signed document must be scanned for electronic filing.
- **16.305(3)** Documents requiring oaths, affirmations, verifications, acknowledgements, or notarization. Any document requiring that a signature be made under oath or affirmation or with verification or acknowledgement, or any document being notarized, must be either signed by the subscriber nonelectronically and scanned for electronic filing or signed by the subscriber with a digitized signature. The same requirements apply to any oath giver's or witness's signature.

COMMENT:

Rule 16.305(3). A notary signature cannot be an electronic /s/ signature; it must be a digitized or nonelectronic signature. The notary seal may be electronic pursuant to Iowa Code chapter 9B. If the law requires the document to be signed in the notary's presence, the oath giver's and witness's signatures must be either nonelectronic or digitized (applied by a mechanism such as a signature pad that captures an unaltered image of the signer's signature). See Iowa Secretary of State website for additional information on notarization. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(4) Signature blocks. Any filing requiring a signature must be signed with a signature representation authorized by these rules and accompanied by a block of identifying information.

- a. The following identifying information about the person signing the filing, to the extent applicable, must be typewritten or printed under the person's signature representation:
 - 1. Name.
- 2. Law firm or name of partnership, association, corporation, or tribe on behalf of which the filing agent is signing.
 - 3. Mailing address.
 - 4. Telephone number.
 - 5. Email address.
- 6. The email addresses of any other persons at the law firm who are to be notified of additions or corrections to the electronic file.
- b. Victims and protected persons may omit mailing addresses, telephone numbers, and email addresses from their signature block when necessary for their protection.
- c. Registered filers are responsible for promptly updating the information in (1) through (6) of rule 16.305(4)(a) in their EDMS account. Nonregistered filers are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

COMMENT:

Rule 16.305(4). Under the signature rules of chapter 16, the following signature blocks are valid:

/s/ Judith Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 JAttorney@Law.gov

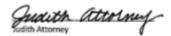
Or.

/s/ with name typed beside symbol as follows: /s/ Judith Attorney Judith Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 JAttorney@Law.gov

Or,

/ Judith Attorney / Judith Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 JAttorney@Law.gov

Or,



Judith Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 JAttorney@Law.gov

If the attorney logged in is not the attorney signing, the document must be signed by both, including a signature block for each attorney.

/s/ Judith Attorney Judith Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 JAttorney@Law.gov

And

/s/ Andrew Attorney Andrew Attorney Attorney Law Firm 1111 Court Ave., Des Moines, IA 50209 515–555–5555 AAttorney@Law.gov

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(5) *Multiple signatures.*

- a. By filing a document containing two or more signatures, the registered filer confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.
- b. To receive notice of the filing of subsequent documents in the case, any persons signing the document must be registered filers.
 - c. After following the requirements of this rule, the registered filer must either:
- (1) Scan the original document, with all of the signatures attached, and file the document electronically; or
- (2) Electronically file the document in a portable document format (.pdf) using a signature format set out in the comment to rule 16.305(4).

16.305(6) Signatures presumed valid.

- a. A signature on an electronically filed document is presumed valid and authentic until established otherwise by clear and convincing evidence.
- b. A digitized or nonelectronic signature on a document that a governmental agency electronically files for the purpose of obtaining court action or any other signature the court has approved is presumed valid even if the signature is not from a registered filer.

COMMENT:

Rule 16.305(6). This rule does not supersede any foundation or proof requirements contained in the Iowa Code or the Iowa Court Rules.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(7) Disputing authenticity or validity of signatures. An attorney or a party who disputes the authenticity or validity of any digitized, nonelectronic, or electronic signature on an electronically filed document must file an objection to the signature within 30 days after the attorney or party knew or should have known the signature was not authentic or valid.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.306 Electronic filing.

16.306(1) *Electronic cover sheets.*

- a. A registered filer must complete an electronic cover sheet for each filing by entering the proper information into EDMS.
- b. Governmental agencies may obtain state court administration approval to use alternative software to exchange electronic records with EDMS. The alternative method for filing or presenting documents must enable correct routing and docket entry of the documents to permit an exception to the electronic cover sheet requirement. The alternative method must also accommodate requests for expedited relief and requests to restrict access to documents.

COMMENT:

Rule 16.306(1). A filer must complete the electronic equivalent of a cover sheet when initiating a case or filing or presenting a document or group of documents for electronic filing. The electronic cover sheet is a series of web pages on which the filer enters information. These web pages differ depending on whether the document is related to a criminal or civil case or whether the document is being filed in a new case or an existing case. A properly completed electronic cover sheet will route the document to the correct electronic file and will create a correct docket entry for the document. The electronic cover sheet may also notify the court of a request for expedited relief or ensure that access to a document is properly restricted. An electronic cover sheet for a new civil case replaces the paper civil cover sheet required by Iowa Rule of Civil Procedure 1.301(2). Only parties excused from registration will file the paper form of the civil cover sheet and the confidential information form. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.306(2) Filing. A document is considered filed or presented at the time EDMS has received it, unless the clerk of court returns it.

COMMENT:

Rule 16.306(2). When EDMS receives a district court document, the file stamp records the date and time and generates a status update in the filer's EDMS account. The document is not considered received until the status of "received," "awaiting approval," or "filed" is displayed in the filer's EDMS account. EDMS will generate a status update upon case initiation or a notice of electronic filing or presentation in all other instances that confirms EDMS has received the document. Subject to security and jurisdictional rules, the system also generates a notice of electronic filing or presentation to indexed case parties. When the clerk of court reviews and approves the submission, the system generates a date and time stamp on the document that is the same as the date and time the system noted in the status update—the time EDMS first received the filer's submission in the system. This is the date and time of the official filing of the document with the court system. For example, a filer submits a document to the system at 9:58 p.m. on Thursday, March 30, 2016. Soon after, the status message on the filer's My Filings page will read "Received" and then "Awaiting approval" (for presented documents, the status will be "Filed"). The filer then knows the date and time that the court has received the filing. The following Monday morning the clerk reviews and approves the filing. The system will place a file stamp on the document of 9:58 p.m., March 30, 2016. The clerk of court may also return an incorrect submission with instructions to correct the filing. See rule 16.308(2)(d)(2). In this circumstance, the document is not filed and the date and time of filing that the system tracked are not retained. Upon resubmission of the document, a new date and time of filing are assigned and a new status update and notice of electronic filing or presentation are generated. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.306(3) Emailing or faxing documents does not constitute electronic filing. Emailing or faxing a document to the clerk of court or to the court will not generate a file stamp or a notice of electronic filing or presentation and will not result in the filing of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.307 Electronic file stamp.

16.307(1) Each document electronically filed with the clerk of court receives a file stamp reflecting the date and time that it was initially received by EDMS.

16.307(2) Each document electronically filed with the clerk of the supreme court receives a file stamp reflecting the date that it was received by EDMS.

16.307(3) The date and time on the file stamp will be consistent with the notice of electronic filing or presentation on the filer's status update. The electronic file stamp becomes a part of the electronic document and is visible when the document is printed or viewed online. Electronic documents are not officially filed unless they have an electronic file stamp. Electronic file stamps have the same force and effect for electronic submissions as nonelectronic file stamps for nonelectronic submissions. *See* rule 16.201(12) (definition of "file stamp").

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.308 Docket entries.

16.308(1) Selecting document types. For each electronically filed document, a filer must choose an accurate document type from the options listed on the electronic cover sheet.

16.308(2) Correcting document types.

- a. Clerk of court to correct document types. Once a document is submitted into EDMS, only the clerk of court may make corrections to the document type the filer has chosen.
- b. Clerk of court to correct docket entries. If a docket entry is incorrect, only a clerk of court can correct the docket entry. The docket will reflect that the clerk made a change to a docket entry.
 - c. Errors that filers discover.
- (1) If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the clerk of court as soon as possible. When contacting the clerk, the filer must have available the case number of the document that was filed or docketed erroneously.
- (2) A filer may not refile or attempt to refile a document that has been erroneously filed or docketed unless the clerk of court specifically directs the filer to do so.
- (3) To meet a deadline, a filer who discovers an error in the electronic filing or docketing of a document but who cannot immediately contact the clerk of court may resubmit a corrected document.
 - d. Errors that clerks of court discover.
- (1) If the clerk of court discovers an error in the filing or docketing of a document, the clerk will ordinarily notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.
- (2) The clerk of court may return the submission to the filer with an explanation of the error and instructions to correct the filing. In such instances, it is the responsibility of the filer to keep a record of the notice EDMS generated to verify the date and time of the original submission. The rules of this chapter are not intended to address whether a filer who submits a corrected filing after return of the original submission may have the date and time of the corrected filing relate back to the date and time of the original submission.
- (3) If the error is minor, the clerk of court may, with or without notifying the parties, either correct or disregard the error.
- (4) An error in the filing or docketing of a document may be an error that adversely affects the proper processing of the document by EDMS, such as a document that is filed in the wrong case, a document that is filed with the wrong event code, or a document that is scanned incorrectly. It may also be an omission of information necessary to properly identify the parties initiating a new case or the subjects of a warrant, a failure to pay a required filing fee, an error that prevents the correct filing fee from being charged, or the omission of a signature from a filing that must be signed.

COMMENT:

Rule 16.308(2). This rule addresses instances when a filer selects an incorrect document type or submits documents that cannot be correctly filed or docketed. The clerk of court may return a submission to the filer for correction when, for example, a document is scanned upside down or sideways, is scanned in such a way that the file stamp cannot be applied, is improperly attached to other documents, or is submitted under the wrong docket entry such that EDMS cannot process the document correctly. It is the filer's responsibility to keep a record of the original submission date and time, as well as the reason for the return of the filing, contained in the Filing Status Reports available through the filer's EDMS account under My Filings. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]
[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.309 Date and time of filing; deadlines; technical difficulties.

16.309(1) Date and time of filing; deadlines.

- a. An electronic filing may be made whenever EDMS is available, including holidays, weekends, and evenings. The availability of electronic filing, however, does not affect deadlines or the provisions for extension of deadlines in the Iowa Code or Iowa Court Rules. When a document is filed electronically, EDMS applies an electronic file stamp to the document reflecting the date or the date and time that the document was actually received by EDMS. See rule 16.306(2) and comment and rule 16.307.
- (1) Exceptions for trial informations and minutes of testimony. Trial informations and accompanying minutes of testimony are not file stamped until the court approves them.
- (2) Submissions that the clerk of court returns. A submission that the clerk of court returns unfiled because of an error is given a file stamp when the filer submits the corrected version.
- b. The date and time of the electronic file stamp are considered the official filing date and time for purposes of computing relevant deadlines.
 - c. A document is timely filed if it is filed before midnight on the date the filing is due.
- d. If a deadline established in these rules is different from a deadline established in a court order in a particular case, the deadline established in the court order controls.

16.309(2) Technical difficulties.

- a. A party's technical difficulty or the unavailability of EDMS does not excuse a party from complying with a jurisdictional deadline.
- b. If a registered filer is unable to meet a nonjurisdictional deadline due to a technical difficulty, the filer must file the document using the soonest available electronic or nonelectronic means. The filing is not timely unless the court determines it to be timely after the filer has had an opportunity to be heard on the matter.

16.309(3) Notices of system unavailability.

- a. Scheduled maintenance. When EDMS will not be available due to scheduled maintenance, a notice of the date, time, and anticipated length of the unavailability will be posted on the Iowa Judicial Branch website and to other authorized social media.
- b. Unexpected unavailability. When EDMS is unexpectedly unavailable, a notice of the problem will be posted on the Iowa Judicial Branch website and other authorized social media.
- **16.309(4)** Extended system unavailability; filing and service. In the event of an extended period when EDMS is not available, the filer may take a paper document to the clerk of court during regular business hours for filing. In such instances, the filer is responsible for service of the document on case parties entitled to service.
- **16.309(5)** Court-generated documents; computation of deadlines. Electronic filings by the court, such as court orders, may be made at any time. They will receive a file stamp reflecting the date and time when EDMS received the filing. The clerk of court will process such filings with reasonable promptness during regular weekday hours before the filing is served electronically on all registered filers. Regardless of when a party receives notice of electronic filing of a court-generated document, the date and time of the file stamp are the official filing date and time for purposes of computing all relevant deadlines.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.309. Electronic filing enables the filing of documents outside of normal business hours. A document filed before midnight on the date the filing is due is considered timely filed. Filers are cautioned, however, not to wait until the last moment to file documents electronically as EDMS may not always be available. Just as a jurisdictional deadline cannot be extended for a filer, who—due to vehicle or traffic problems, for example—arrives at the courthouse moments after the clerk of court office has closed, jurisdictional deadlines cannot be extended for the filer who encounters system or other technical difficulties between the time of close of business and a midnight filing deadline. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.310 Format of electronic documents. All documents filed electronically must be formatted according to applicable rules governing formatting of paper documents in the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure. A document must be converted to a portable document format (.pdf) and must not be password protected before the document is filed electronically. The filer must ensure that the filing is an accurate, complete, and readable reproduction of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.311 Attachments to electronic documents.

- **16.311(1)** The following documents must be attached electronically to a filed electronic document without a separate electronic cover sheet:
- a. When a court order is required to amend a previously filed document, the proposed amendment must be attached to a motion for leave to file that document.
- b. Any item that is included as an exhibit to a document must be attached to the electronic document.
- c. Any additional pages required to complete a court form must be attached to the electronic court form.

COMMENT:

Rule 16.311(1). Supporting materials attached to an application, motion, court form, or verification of account, etc., were called "exhibits" prior to electronic filing. In EDMS, those supporting materials are called "attachments," and the term "exhibit" is reserved for evidence entered into the record at a hearing or trial. Examples of documents that are attached to other documents include supporting documents that are attached to an adoption petition, a written notice of intention to file an application for default that must be attached to a request for default, additional pages completing a court form, and evidence or affidavits used to support an application or a motion. The filer uploads the application, form, or motion into EDMS, and then selects "Attachment" as the document type for the supporting materials. When the filer picks the "Attachment" document type, the system prompts the filer to pick the document to attach to. The document and attachment are then electronically linked and will show on the case docket as related. See rule 16.412(5) (exhibits to pleadings).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.311(2) Separate documents may be submitted at the same time but must be uploaded separately, with an individual document type selected for each document.

COMMENT:

Rule 16.311(2). Examples of such submissions are a petition for dissolution of marriage, a motion for temporary support, and a financial affidavit. There are, however, some documents that should not have other documents attached to them. For example, nothing should be attached to a proposed document. Also, a proposed order should not be attached to any other document, including the motion or application regarding that order. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.312 Hyperlinks and other electronic navigational aids.

- **16.312(1)** Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court and the parties. Each hyperlink must contain a complete text reference to the target of the link. This text reference, when copied, must enable a user to reach the same target that would be reached by activating the hyperlink.
- **16.312(2)** If an electronically filed document contains hyperlinks, the filer is responsible for creating and embedding the links in the document.
- **16.312(3)** Material that can be reached through a hyperlink in an electronic filing is not considered part of the official record or filing unless already part of the record in the case.
- **16.312(4)** Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.
- **16.312(5)** Hyperlinks may provide an electronic link to other portions of the same document. It is not possible, however, to hyperlink from one document in the electronic court file to another document in the electronic court file.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.312. Use of hyperlinks for cited legal authorities is encouraged. Hyperlinks may also be used to refer the court to other information. Hyperlinks are not part of the filed document, so the filed document must comply with traditional citation requirements. Filers are cautioned, however, that links to external documents or websites may become invalid over time. Additionally, the functionality of hyperlinks will depend on the web browser or computer application used to view the document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.313 Nonelectronic filings.

- **16.313(1)** *Items that may be filed nonelectronically.* The following documents and other items may be filed nonelectronically and need not be maintained in the electronic court file unless these rules, the clerk of court, or the court otherwise require or authorize electronic filing:
- a. The administrative record in cases in which the court is asked to rule based on that record, but all other documents, including the petition, answer, briefs, and motions, in the judicial review proceedings must be filed electronically and maintained in the electronic court file.
 - b. Transcripts of proceedings before the court that are not available in electronic format.
 - c. Any item that is not capable of being filed in an electronic format.

COMMENT:

Rule 16.313(1)(a). This rule addresses the cost and time concerns in administrative review cases by allowing the administrative record to be filed in a nonelectronic format. Besides their size, these records often contain sensitive information, such as information protected by federal HIPAA laws. This rule does not encompass cases covered by Iowa Code chapters 252C, 252F, and 252H. The documents generated in those cases should be filed electronically. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.313(2) Service of notice of items filed nonelectronically. For items filed nonelectronically pursuant to rule 16.313(1), the filer must file an electronic notice of filing the item.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.314 Original notice.

- **16.314(1)** Form of original notice. When a party electronically files a new case, the party must submit an original notice as a separate document type along with the petition in the form the Iowa Rules of Civil Procedure require. In addition, the original notice—except in small claims actions—must:
 - a. State that the case has been filed electronically.
- b. Direct the other party to this chapter of the Iowa Court Rules for general rules and information on electronic filing.
- c. Refer the other party to division VI of this chapter of the Iowa Court Rules regarding the protection of personal or confidential information in court filings.
- **16.314(2)** Clerks of court affixing seal to original notice. After a petition is filed, the clerk of court will electronically affix the clerk's seal to the original notice and electronically return a sealed and signed original notice to the registered filer.
- **16.314(3)** Service of original notices. Original notices must be served upon the party against whom an action is brought in accordance with the Iowa Code and the Iowa Rules of Civil Procedure. **COMMENT:**

Rule 16.314(3). Electronic service cannot be used to serve an original notice or any other document that is used to confer personal jurisdiction. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.314(4) Return of service. After the original notice is served, the filer must scan and electronically file the return of service. The return of service must contain a listing identifying the documents served.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; Court Order February 15, 2017, temporarily effective February 15, 2017, permanently effective April 17, 2017]

Rule 16.315 Electronic service of documents subsequent to original notice.

16.315(1) *Electronic service of documents filed by registered filers.*

- a. Completing the registration process, see rule 16.304(1), constitutes a request for, and consent to, electronic service of court-generated documents and documents other parties file electronically.
- b. When a document is electronically filed, EDMS serves the document on all parties who are registered filers. See rule 16.201(11) (definition of "electronic service"). Service occurs by the posting of a notice of electronic filing or presentation into the filer's EDMS account along with a link to the document or documents presented or filed. The posting of the notice of electronic filing or presentation constitutes service of the document for purposes of the Iowa Court Rules. No other service on those parties is required.
- c. Notice of electronic filing or presentation will only be provided to registered filers and registered case parties who have filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor.
- d. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a withdrawal from the case and, if applicable, obtained an order allowing the withdrawal
- e. Electronic service is not effective if the filer learns the notice of electronic filing or presentation was not transmitted to a party.
- f. EDMS will not provide notices of electronic filing or presentation for documents filed pursuant to rule 16.405(4), 16.702, 16.703, or 16.802, or on documents that require personal service to confer jurisdiction. The filer is responsible for service of documents that must be personally served to confer jurisdiction in accordance with rule 16.315(2) on service to nonregistered filers.

COMMENT:

Rule 16.315(1)(e). Subject to the exceptions in rule 16.315(1)(f), when EDMS receives a filing covered by this rule, EDMS will automatically generate a notice of electronic filing or presentation, which contains a list of the parties who were served electronically and a list of the parties who must be served by other means. It is the responsibility of the filer to review the notice of electronic filing or presentation to ensure that all parties that require service have received it. If the filer learns of a delivery failure, the filer must provide service to that person by other means. A notice of electronic filing or presentation will not be generated on case initiation, on applications for warrants, on emergency applications (such as emergency removals or emergency detention in juvenile cases), or on documents proposed for restricted access or filed under an order restricting access. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.315(2) Service of paper copies on parties. Parties must serve a paper copy of any filed document on a party who is not a registered filer in a manner authorized by the Iowa Code or the Iowa Court Rules, unless the parties agree to another method of service. When serving paper copies of electronically filed documents in cases with multiple nonregistered filers other than criminal defendants, the filer must include a copy of the notice of electronic filing or presentation. The clerk of court will provide a copy of the notice of electronic filing or presentation upon a nonregistered filer's request.

16.315(3) *Service of documents that nonregistered filers file or present.*

- a. Service on registered filers of documents that nonregistered filers file or present will be made by the clerk electronically through EDMS, except for service of restricted access documents filed under rule 16.405. See rule 16.201(11) (definition of "electronic service").
- b. When a nonregistered filer submits a document to the clerk of court, the clerk will process the filing or presentation with reasonable promptness during regular weekday business hours before the filing is served electronically on all registered filers. In such event, the date and time on the file stamp are considered the official date and time of service for purposes of computing all relevant deadlines.
- c. Nonregistered filers must serve a paper copy of documents they file with or present to the court on all persons entitled to service who are nonregistered filers in the manner the Iowa Rules of Civil Procedure or the Iowa Rules of Criminal Procedure require.
- d. If a party receives a one-time exception to electronic filing pursuant to rule 16.302(2)(a), the procedures and requirements of rule 16.315(3) apply.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; Court Order February 15, 2017, temporarily effective February 15, 2017, permanently effective April 17, 2017]

Rule 16.316 Certificate of service. A certificate of service must be filed for all documents EDMS does not serve. These include documents that must be served on parties who are nonregistered filers, documents that must be served on persons or entities seeking to intervene in a confidential case, documents that persons or entities file pursuant to rule 16.319(2), and discovery materials. See, e.g., rules 16.315(1)(b), 16.319(1)(c), and 16.401(1)(a). The certificate must be filed promptly and show the date and manner of service. The certificate of service may be included on the last page of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.317 Additional time after electronic service. When service of a document is made electronically, the time to respond is computed in the same manner as the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure require for service by mail, fax, or email. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.318 Service of court-generated documents.

16.318(1) Electronic notice and service for registered filers. EDMS will electronically serve any court-generated document on all registered filers entitled to service. See rule 16.201(11) (definition of "electronic service"). Posting the notice of electronic filing or presentation in the registered filer's EDMS account constitutes service or notice of the document. Notice of electronic filing or presentation will only be provided to registered parties who have entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a proper withdrawal of appearance in a case and, if applicable, obtained an order allowing the withdrawal.

- **16.318(2)** Nonelectronic notice and service for nonregistered filers. The clerk of court will mail paper copies of electronically filed court-generated documents to nonregistered filers entitled to service. In cases with additional nonregistered filers, the clerk may include a copy of the notice of electronic filing or presentation with the paper copy of the document. The clerk will not mail paper copies to registered parties who have not properly filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. The clerk will not mail paper copies of court-generated documents to nonregistered parties represented by counsel unless the rules or a court order otherwise require it.
- **16.318(3)** Certificate of service. For court-generated documents that EDMS does not electronically serve, the clerk of court may note on the docket the parties served and the method of service instead of filing a certificate of service.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.319 Filing by potential intervenors or by nonparties.

16.319(1) Potential intervenor filers.

- a. Manner in which to intervene. A person or entity seeking to intervene to become a party to a case must electronically file the application to intervene and all related documents unless excused from EDMS registration under rule 16.302(2).
 - b. Access to court file.
- (1) Until the court grants the application to intervene, the person or entity seeking to intervene cannot download or view any confidential part of the court file, and the person or entity will not receive a notice of electronic filing or presentation of any document filed in the case.
- (2) If the court grants the application to intervene, the person or entity must promptly file an entry of appearance or a notice of case association.
- (3) An entry of appearance or a notice of case association must be filed before the person or entity can receive a notice of electronic filing or presentation.
 - c. Service.
- (1) The documents a person or entity seeking to intervene files must be served pursuant to rules 16.315(1)(b) and 16.315(2).
- (2) The person or entity seeking to intervene is required to serve a paper copy of the document on parties who are nonregistered filers. *See* rule 16.315(2).
- (3) If the court or a party files a document related to the application to intervene, a paper copy of the document must be served on the potential intervenor in the same manner as a nonregistered filer. See rules 16.315(2) and 16.318(1).
- (4) If the application to intervene is granted, the intervenor will subsequently be served copies of filed documents pursuant to rules 16.315 and 16.318(2).

COMMENT:

Rule 16.319(1). Examples of a party seeking to intervene in a case include a grandparent or relative seeking to become a party in a chapter 232 Child-in-Need-of-Assistance case or an attorney for an interested party in an estate. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.319(2) *Nonparty filers.*

- a. Filing. Nonparty persons or entities entitled to file documents in a case without becoming a party need not appear in order to file documents. However, a nonparty filer must use electronic filing unless excused from EDMS registration under rule 16.302(2).
- b. Access to court files. A nonparty cannot access the case remotely or download or view any confidential part of the court file. Additionally, a nonparty will not receive a notice of electronic filing or presentation of any document filed in the case.
- c. Service. EDMS will serve on registered parties any documents a nonparty files. See rule 16.315(1)(b). The nonparty, however, must serve a paper copy of the document on parties who are nonregistered filers. See rule 16.315(2). If service of a document on the nonparty is required, a paper copy of the document must be served on the nonparty in the same manner as on a nonregistered filer. See rules 16.315(2) and 16.318(2).

COMMENT:

Rule 16.319(2). This rule describes the filing and serving of documents when the filer does not intend to intervene to become a party to the case and will not enter an appearance or file an answer or a notice of case association in order to be indexed to the case by the clerk of court. An example of a nonparty filer who wishes to file on a case but not become a party to the

case is a person who seeks to quash a subpoena. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.320 Limited appearances.

16.320(1) Entry of appearance. An attorney whose role in a case is limited to one or more individual proceedings in the case must file a notice of limited appearance before or at the time of the proceeding. Upon the filing of this document, the attorney will receive electronic service of filed documents.

COMMENT:

Rule 16.320(1). An entry of limited appearance is made on behalf of a case party and gives the attorney full case access and electronic notifications on the case. If an attorney is not filing on behalf of an existing party, the attorney should file an application to intervene pursuant to rule 16.319(1) or file as a nonparty filer (rule 16.319(2)). Access to some confidential files or documents may require a court order. An example of an attorney filing an entry of limited appearance is an attorney hired by a petitioner in a dissolution case to represent that petitioner at a hearing on temporary custody. This rule is consistent with the Iowa Rules of Civil Procedure on limited appearances in that electronically filing the notice of limited appearance will cause EDMS to serve the notice on all registered parties. If there is a nonregistered party in the case, the filer must serve the notice on that party by other means. See chapter 32:1.2 Rules of Professional Conduct. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.320(2) *Termination of limited appearance.* At the conclusion of the matters covered by the limited appearance, the attorney must file a notice of completion of limited appearance. Upon the filing of this document, the attorney will no longer receive electronic service of documents filed in the case.

16.320(3) *Service on party.* During a limited appearance, the party on whose behalf the attorney has entered the appearance will continue to receive service of all documents. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.321 to 16.400 Reserved.

DIVISION IV FILING PROCESS

Rule 16.401 Discovery.

COMMENT:

16.401(1) *Service of discovery materials.*

- a. Service. Parties may serve requests for discovery, responses to discovery, and notices of deposition by email on registered filers.
- b. Time service occurs. When service is made by email, the time to respond is computed according to the Iowa Rules of Civil Procedure.
- **16.401(2)** Filing notice of discovery requests and responses. Parties must file a notice with the court when serving a request for discovery, a response to discovery, or a notice of deposition on another party. The notice must identify the document served and include the date, manner of service, and the names and addresses of the persons served. This rule only requires the filing of a notice of deposition or a notice indicating that a discovery request or response was made. Parties should continue to follow the Iowa Rules of Civil Procedure with respect to the filing of discovery materials.

Rule 16.401(2). This rule adds a layer of protection for parties. Registered filers' computer filters may occasionally filter out an emailed discovery request or response. Rule 16.401(2) ensures that registered filers will at least know they should have received a discovery document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.402 Transcripts. Transcripts must be filed electronically in a secure format in accordance with rule 16.601(2), any administrative directive from the state court administrator, and the formatting requirements of Iowa Rule of Appellate Procedure 6.803(2). Transcripts of court proceedings on appeal from the district court must be electronically filed as searchable .pdf documents into the district court case file.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.403 Expedited relief. Requests for expedited relief must be noted on the electronic cover sheet

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.404 Briefs. Legal briefs and memoranda must be electronically filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.405 Restricting access to filings.

16.405(1) *Scope.* This rule covers restricting access to filings in the court system, including documents, exhibits, docket entries, cases, and other items or materials.

16.405(2) Applications to restrict access.

- a. A filer seeking to restrict access to materials that are not deemed confidential by statute or rule must file an application to restrict access.
- b. If a filer seeks to restrict access to a document or exhibit, the document or exhibit must not be attached to the application or the document or exhibit will become part of the public court file.
- c. Documents or exhibits proposed for restricted access must be electronically presented to the court for review when reasonably practicable.
- d. Either in the application to restrict access or in a proposed order presented with the application, the filer must clearly state who should have access to the materials.
- e. If the court grants the application, restricted access will be placed on the materials at the security level specified in the order. If a document or exhibit is electronically presented with the application, the document or exhibit will be filed with the access specified in the order.
- f. Rules governing electronic filing of restricted access documents in appeals to the Iowa Supreme Court are included in the Iowa Rules of Appellate Procedure. COMMENT:

Rule 16.405(2)(d). For example: "Only attorneys and case parties should have access to this document." [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.405(2)(e). The court may approve the application and restrict access to the material to a specific level, or the court may deny the application and either order that the material be filed with public access or order that the material not be filed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

- **16.405(3)** Documents or exhibits filed subsequent to order to restrict access. If the court enters a protective order or an order directing or permitting the filing of documents or exhibits with restricted access, the parties must, without further order from the court, designate any document or exhibit filed under this rule as "Filed under order to restrict access" on the electronic cover sheet. All parties to the case must comply with any order restricting access. Any document or exhibit disclosing information that is subject to an order restricting access must also be filed with restricted access.
- **16.405(4)** Service of documents or exhibits proposed for restricted access or filed under order restricting access. EDMS will not serve documents or exhibits that are proposed for restricted access or that are filed under an order restricting access. The filer is responsible for service under rule 16.315.
- **16.405(5)** System-restricted documents, exhibits, or cases. Access to certain categories of documents, exhibits, or cases is restricted based on statutory or court rule requirements. Within EDMS, access is restricted automatically without application or an order of the court. A current list of system-restricted documents, exhibits, and cases is available from the clerk of court and is available on the Iowa Judicial Branch website.
- **16.405(6)** Access to restricted documents and docket entries. EDMS restricts access to documents in three ways:
- a. Some documents available only to certain parties and the court may be referenced in a docket entry available to the public. In civil cases, most restricted access documents are referenced in a docket entry available to the public, but only certain parties and the court may view the documents themselves.
- b. Some documents available only to certain parties and the court may not be referenced in a docket entry available to the public.
- c. Some documents available only to the court are not referenced in a docket entry available to the parties or the public.

COMMENT:

Rule 16.405(6)(a). Examples of these documents include presentence investigation reports, minutes of testimony, and

documents filed under restricted access pursuant to this rule. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT

Rule 16.405(6)(c). Examples of these documents include applications for search warrants and search warrants that have not been executed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.405(7) *Nonelectronic filings.* All nonelectronic filings with the court must conform to the personal privacy rules that apply to electronic documents.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.406 In camera inspection. When the court orders in camera inspection of material, such material may be electronically presented to the court. After the court has examined the material and has entered an order concerning the issues raised by the material, if the court does not order the material to be produced in whole or in part, the court will file the presented material and restrict access to the level of security available to clerks of court and judges only.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.407 Subpoenas. The clerk of court may electronically make subpoenas available to registered filers in accordance with the Iowa Rules of Civil Procedure and the Iowa Rules of Criminal Procedure.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.408 Clerk of court certification of documents. Certified copies of electronically filed documents may be obtained from the clerk of court electronically or nonelectronically. The fee for a certified copy is established in the Iowa Code and the Iowa Court Rules. The clerk may certify documents by digitized or electronic signature and seal.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.409 Proposed orders. A proposed order may be electronically presented with a motion or without a motion. The proposed order must be submitted in an editable format capable of being read by Microsoft Word. Acceptable fonts are: Arial, Times New Roman/Times, Courier New, Tahoma/Geneva, Helvetica, Calibri, and Cambria. The document must not be password protected. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.410 Court reporter notes. Court reporters who have computer-aided transcription capability must electronically file court reporter notes.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.411 Original documents.

16.411(1) *Generally.*

- a. When the law requires the filing of an original document, such as a will, codicil, mortgage document, note payable, birth certificate, foreign judgment, or other certified or verified document, the filer must scan the original document and electronically file the scanned document.
- b. The filer must retain the original document for a period of no less than two years or until the conclusion of the case, conclusion of the appeal, conclusion of the estate, or as required by other applicable law.
- c. The filer must immediately deliver the original document to the court upon request of the court or a party for inspection and nonelectronic preservation.
- d. When the document is an original will, codicil, or a document having physical characteristics that must be present for the document to be valid or enforceable, the filer may, after filing the document electronically, submit it to the clerk of court for nonelectronic preservation.
- 16.411(2) Exceptions for authorized governmental agencies. A governmental agency with statutory authority to destroy an original document after making an unaltered image or electronic

reproduction of the original document must retain and, upon request of the court or other party, immediately deliver an unaltered image or electronic reproduction of the original document to the court or other party for inspection and reproduction, if necessary.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.412 Exhibits.

16.412(1) *Maintenance of hearing and trial exhibits.*

- a. Exhibits offered at a hearing or a trial must be maintained electronically for purposes of the record.
- b. Exhibits offered at a hearing or a trial that cannot reasonably be maintained electronically may be maintained nonelectronically for purposes of the record.
- c. Prior to offering an exhibit, the submitting party must redact the exhibit pursuant to division VI of this chapter (Personal Privacy Protection), except as provided in rule 16.601(3) (exhibits).
- d. If the court requires a party to bring paper copies to trial for the court and jury, the paper copies must be marked as a copy.

16.412(2) Electronic submission of proposed exhibits prior to hearing or trial.

- a. Mandatory. A party must submit proposed exhibits to the court prior to the hearing or trial in which the party intends to offer the proposed exhibits for admission into evidence. Upon submission through EDMS, each proposed exhibit will receive a file stamp. Case attorneys and self-represented case parties will have access to proposed exhibits. Exhibits offered or admitted into evidence are subject to the public access and personal privacy rules of divisions V and VI of this chapter.
- b. Exceptions. The following exceptions apply to the requirement of submitting proposed exhibits electronically prior to hearing or trial.
- (1) Prosecutors in a criminal case must submit proposed exhibits pursuant to this rule only if the exhibit has been disclosed to the opposing party through the discovery process.
- (2) Criminal defendants may submit proposed exhibits prior to the hearing or trial but are not required to. The clerk of court will ensure criminal defense exhibits are maintained electronically. This rule does not supersede a defendant's obligations under Iowa Rule of Criminal Procedure 2.14.
- (3) When a party could not reasonably anticipate use of an exhibit or when the exhibit is used as rebutting evidence, a party may be excused from electronically submitting the exhibit as a proposed exhibit prior to the hearing or trial.
- (4) A party is excused from electronically submitting proposed exhibits prior to a hearing or trial if the party is excused from electronic filing under rule 16.302(2), 16.302(3), 16.701(3), or 16.801(2)(b).
 - c. Method.
 - (1) Each proposed exhibit must be a separate document.
- (2) The filer must include the exhibit number and provide a description of the proposed exhibit in the "Exhibit Description" field. When an individual exhibit is filed in multiple parts, the filer must repeat the exhibit number and insert a description for each part into the "Exhibit Description" field.
- (3) An exhibit that exceeds the required size limit for a submission as posted in the electronic filing section of the Iowa Judicial Branch website must be separated into parts of an acceptable size, and each part must be filed separately.
- d. Exhibit Maintenance Order. At the conclusion of the hearing or trial, the court, except in juvenile court proceedings, must enter an exhibit maintenance order that states which proposed exhibits were offered and which were admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days, the clerk of court may delete proposed exhibits that are not listed in the order.
- e. Sanctions. If a party fails to submit a proposed exhibit as this rule requires, the court, upon its own motion or the motion of any party, may impose sanctions. A sanction imposed under this rule must be limited to that which will deter repetition of the conduct or comparable conduct by others. A sanction for violating this mandatory electronic submission rule may not include exclusion of the exhibits from the hearing or trial.

COMMENT:

Rule 16.412(2). Access to proposed exhibits filed before trial is restricted to self-represented case parties, attorneys indexed to the case, and the court. If an exhibit in a public case contains protected information, the party offering it, or the party filing it as proposed, must redact the protected information before the exhibit becomes public. Rule 16.601(3) allows the submitting party 14 days to redact the exhibit before it becomes public. Admitted exhibits that a party has not identified as containing protected information generally become public. Exhibits submitted in paper in all proceedings, including proceedings listed in rules 16.412(3) and 16.412(6), may remain in paper unless the matter is appealed, at which time the clerk of court will scan the

exhibits. Examples of descriptions in the "Exhibit Description" field for proposed exhibits include "Letter from Jane Doe" or "Photo of red car." Examples of "Exhibit Description" field entries for exhibits filed in multiple parts include "Contract (Part 1)" and "Contract (Part 2)." An exhibit description submission in EDMS would appear as follows:

Exhibit #	Exhibit Description
Def. Ex. A	Photo of red car

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 27, 2019, effective January 1, 2020]

16.412(3) Exhibits offered at a hearing or a trial that were not submitted as proposed exhibits. When offered or admitted at hearing or trial, an exhibit that can reasonably be maintained electronically, but that was not previously submitted as a proposed exhibit, will remain nonelectronic unless the court orders otherwise. Upon an appeal in the case, the clerk of court will electronically file the exhibit.

16.412(4) Index of nonelectronic exhibits. When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), the party must electronically file an index of the exhibits. The index should list and briefly describe the nonelectronic exhibits.

16.412(5) Exhibits to pleadings. Under rule 16.311(1), evidentiary material that is submitted with or attached to a motion or other pleading must be filed as an attachment and should not be submitted as a proposed exhibit.

16.412(6) Submission of proposed exhibits in small claim, simple misdemeanor, traffic, and municipal infraction cases. Proposed exhibits may be but are not required to be submitted electronically in small claim, simple misdemeanor, traffic, and municipal infraction cases. The submitting party must redact proposed exhibits, whether electronic or nonelectronic, pursuant to division VI of this chapter prior to submitting the proposed exhibits. Upon initiation of an appeal in the case types included in this rule, the clerk of court will convert exhibits admitted in nonelectronic form to an electronic form when possible.

16.412(7) Submission of video and audio exhibits.

- a. Video exhibits. Video exhibits must be submitted in the following format: .avi, .flv, .mpeg, .mp4, .wms, or .mov; or the video exhibit must be submitted with a player application that allows the exhibit to be viewed. Video exhibits cannot be electronically filed but may be submitted to the court on a media storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal, the clerk of court will provide any video exhibits to the appellate court.
- b. Audio exhibits. Audio exhibits must be submitted in the following format: .wav, .mp3, or .wma; or the audio exhibit must be submitted with a player application that allows the exhibit to be heard. Audio exhibits cannot be electronically filed but may be submitted to the court on a media storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal, the clerk of court will provide any audio exhibits to the appellate court.
- c. Video and audio exhibits in an appeal to district court. Transcribed portions of a video or audio exhibit may be included in documents filed in an appeal to the district court, provided the transcribed material was properly admitted in the underlying court case. The parties must not embed or include actual audio or video in any documents filed in an appeal to the district court.
- **16.412(8)** Disposition of scanned exhibits. Exhibits for which the clerk of court is responsible for scanning will be disposed of according to the requirements of the Iowa Rules of Civil Procedure and Iowa Rules of Criminal Procedure.
- **16.412(9)** *Mistrial.* In the event of mistrial, the parties, the court, and the clerk of court must comply with all of the following:
- a. Exhibit maintenance order. The court, except in juvenile court proceedings, must enter an exhibit maintenance order that states which proposed exhibits were offered or which were admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days after the order's filing, the clerk of court may delete proposed exhibits that are not listed in the order.
- b. Index of nonelectronic exhibits. When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), the party must within 10 business days after the offer electronically file an index of the exhibits. The index must list and briefly describe the nonelectronic exhibits.

- c. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the trial, whether the exhibits are maintained electronically or nonelectronically.
- d. Release of nonelectronic exhibits for use during retrial. Nonelectronic exhibits offered or admitted during the trial may not be released for use in a retrial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order shall specify to whose custody the exhibit is released.
- e. Nonelectronic exhibits not offered or admitted during retrial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the retrial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.
- **16.412(10)** Criminal codefendant's trial. In the event nonelectronic exhibits are offered or admitted during a trial and then are needed for use in a codefendant's trial, the parties, the court, and the clerk of court must comply with the following provisions:
- a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the first defendant's trial, whether the exhibits are maintained electronically or nonelectronically.
- b. Release of nonelectronic exhibits for use during codefendant's trial. Nonelectronic exhibits offered or admitted during the first defendant's trial may not be released for use in a codefendant's trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.
- c. Nonelectronic exhibits not offered or admitted during codefendant trial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the codefendant's trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.
- **16.412(11)** *New trial.* If nonelectronic exhibits are offered or admitted during trial, and the district or appellate court has ordered a new trial, the parties and the court must comply with the following provisions:
- a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the prior trial, whether the exhibits are maintained electronically or nonelectronically.
- b. Release of nonelectronic exhibits for use during new trial. Nonelectronic exhibits offered or admitted during the prior trial may not be released for use in the new trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.
- c. Nonelectronic exhibits not offered or admitted during new trial. If any nonelectronic exhibits released pursuant to this rule are not offered or admitted during the new trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 27, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

Rules 16.413 to 16.500 Reserved.

DIVISION VPUBLIC ACCESS

Rule 16.501 General rule. All filings in the Iowa court system are public unless system restricted or filed with restricted access. Electronic filing does not affect public access to court files. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.501. Electronic filing does not affect which documents or court files the public may access or which documents or files are deemed confidential. Any member of the general public may view a nonconfidential file or document from public access terminals located at the courthouse in which the case is pending. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.502 Access to electronic court files.

16.502(1) Registered filers.

- a. Attorneys licensed to practice law in Iowa. Registered attorneys licensed to practice law in Iowa have remote access to all public documents in public court files except in juvenile delinquency cases prior to the child's being adjudicated delinquent. Registered attorneys who are licensed to practice law in Iowa have limited access to birth dates and names of children, which are normally considered protected information under rule 16.602, in public court files. Access to the birth dates and names of children in cases in which an attorney has not entered an appearance is limited to confirmation of the information the attorney supplies regarding the birth date or child's name in a particular case.
- b. Attorneys admitted pro hac vice. Registered attorneys admitted pro hac vice have remote access only to the documents filed in the cases in which the attorneys are admitted pro hac vice.
- c. Self-represented litigants and parties to a case. Registered self-litigants and parties to a case who have obtained a login and password have remote access only to documents filed in the cases in which they are a party.
- 16.502(2) Abstractors. Abstractors have remote access to all public documents in public court files. See rule 16.304(1)(d). Abstractors have limited access in public court files to birth dates and names of children, which are normally considered protected information under rule 16.602. Access to birth dates and names of children is limited to confirmation of information that the abstractor supplies regarding the birth date or child's name in a particular case.
- **16.502(3)** Specialized nonparty filers. Specialized nonparty filers, see rule 16.304(1)(b), may file documents in cases in which they are not a party, but specialized nonparty filers do not have remote access to electronic court files.
 - **16.502(4)** *Members of the general public.*
- a. Members of the general public may view electronic documents in public cases at public access terminals in the county courthouse in which the case is pending.
- b. To view electronic documents in public cases on appeal to the Iowa Supreme Court, members of the general public may use a public access terminal located in the Judicial Branch Building in Des Moines, Iowa, or a public access terminal located in the county courthouse in which the underlying case originated.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.503 Public access terminals. The Iowa Judicial Branch will maintain at least one public access terminal in each county courthouse and in the Judicial Branch Building. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.504 Bulk distribution. The Iowa Judicial Branch may fulfill requests for copies or reproductions of public electronic documents or records filed in more than a single electronic case if fulfilling such requests will not impair or interrupt the regular operation and efficiency of EDMS and complies with administrative directives or approvals from the state court administrator. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February

1, 2017]

Rule 16.504. Such state court administrator directives or approvals may take into consideration the system, staffing, and equipment capacity of EDMS. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.505 to 16.600 Reserved.

DIVISION VIPERSONAL PRIVACY PROTECTION

Rule 16.601 Responsibility to redact or mask protected or confidential information.

16.601(1) Responsibility of filers generally.

- a. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.
- b. The clerk of court will not review filings to determine whether appropriate omissions or redactions have been made. The clerk will not, on the clerk's own initiative, redact or restrict access to documents containing protected information.

c. A filer waives the protections of the rules in division VI of this chapter as to the filer's own information by filing the information without redaction.

16.601(2) *Transcripts*.

- a. When a transcript is filed that contains protected information, the court reporter must also file a notice of transcript redaction along with a redacted version of the transcript in accordance with administrative directives from the state court administrator.
- b. The parties to the action are also responsible for ensuring the appropriate information in the transcript is redacted. After the court reporter has filed a notice of transcript redaction, each party must within 21 days from the date of the filing of the notice of transcript redaction review the designated material and, if necessary, request additional designation of protected information or note where information was improperly redacted. To stipulate to additional redactions or corrected redactions, the parties must file the Stipulation Re: Transcript Redaction form found in the electronic filing section of the Iowa Judicial Branch website.
 - c. The court will resolve any disagreement on the designation of protected information.
- d. The redacted transcript will not be available to the public until all requests for additional designation or claims of improper redaction are resolved.
- e. A party's failure to file a response within 21 days from the date the notice of transcript redaction is filed is deemed the party's agreement that the transcript is properly redacted.

16.601(3) *Exhibits*.

- a. Electronically submitted exhibits. If protected information must be included in an exhibit pursuant to rules 16.603(2) and 16.603(4), the submitting party must redact the proposed exhibit.
- b. Nonelectronic exhibits offered at hearing or trial. If protected information is included in a nonelectronic exhibit that was offered at a hearing or trial, the offering party must inform the court of the inclusion of protected information and request that the exhibit be treated as a confidential document. Within 14 days of offering the nonelectronic exhibit identified as containing protected information, the offering party must electronically file a redacted copy of the exhibit that will be available to the public.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.601. The redaction rules in division VI apply to all documents filed electronically as well as to filings submitted to the court in paper on electronic cases, such as exhibits that are offered in paper at a hearing or trial or filings an excused filer submits in paper for the clerk of court to scan. The personal privacy protection rules, 16.601 through 16.609, assist in protecting certain identifying information from widespread dissemination and possible misuse. To provide greater protection, parties should not put this information in documents filed with the court unless it is required by law or is material to the proceedings. If the information is required by law or material to the proceedings, parties should carefully follow the redaction rules in division VI. Disclosure of protected information in orders and other court-generated documents that require enforcement or action by someone outside the court falls under rule 16.603(4). [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.602 Protected information. Protected information includes the following:

- 1. Social security numbers.
- 2. Financial account numbers.
- 3. Dates of birth.
- 4. Names of minor children.
- 5. Individual taxpayer identification numbers.
- 6. Personal identification numbers.
- 7. Other unique identifying numbers.
- 8. Confidential information as defined in rule 16.201.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.603 Omission and redaction requirements.

16.603(1) Protected information that is not required by law or is not material to the proceedings. A filer may omit protected information from documents filed with the court when the information is not required by law or is not material to the proceedings.

16.603(2) Protected information that is required by law or is material to the proceedings. When protected information is required by law to be included or is material to the proceedings, a filer may record the protected information on a separate protected information form. See rule 16.606. The filer must ensure that the protected information is redacted from any other document before filing the document with the court. See rule 16.605 (manner in which to redact protected information).

16.603(3) Restricted access documents. Parties are not required to redact protected information from documents that are confidential by statute, rule, or court order. Redaction is required, however, for materials that are initially confidential but which later become public, such as documents in dissolution proceedings.

16.603(4) Disclosure allowed. A filer may disclose protected information only when that information is an essential or required part of the document or the court file. Disclosure of protected information must be as narrow as reasonably practicable.

- a. All orders and other court-generated documents containing protected information that require enforcement or action by someone outside the court fall under rule 16.603(4).
- b. Judicial officers may include protected information in a nonpublic court order to obtain required enforcement or action with a redacted public version of that order.

COMMENT:

Rule 16.603(4)(a). Such documents include, but are not limited to, the following: writs of execution that require a full financial account number; juvenile transportation orders and placement orders containing a child's full name and identifying information; letters of appointment with full names of minors in guardianship and conservatorship cases; qualified domestic relation orders; protective orders and other orders containing full names of juveniles; and applications, orders, and resulting arrest warrants, juvenile summons, and writs of mittimus containing a defendant's full name, date of birth, and social security number. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.603(5) Full disclosure of the names of minor children. The name of a minor child may be case information that is an essential or material part of the court record. See rule 16.801(2)(a) (regarding use of the full name of minors in juvenile delinquency cases).

COMMENT:

Rule 16.603(5). Examples of when the name of a minor child is essential to the court record include: the name of a minor child who is the ward in a guardianship or conservatorship case or who is the subject of a civil name change petition; or the name of a minor child who is a criminal defendant, defendant on a traffic citation or municipal infraction, or defendant in a domestic abuse or elder abuse case or other such case. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.603(6) Redaction in cases after disposition. A party must apply to the court to file a redaction of a document in a case in which judgment is final. The application must state the reasons for and manner of redaction. When the court has approved the application, the filer must electronically file the redaction.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.604 Information that may be redacted. A filer may redact the following information from documents available to the public unless the information is required by law or is material to the proceedings:

- 1. Driver's license numbers.
- 2. Information concerning medical treatment or diagnosis.
- 3. Employment history.
- 4. Personal financial information.
- 5. Proprietary or trade secret information.
- 6. Information concerning a person's cooperation with the government.
- 7. Information concerning crime victims.
- 8. Sensitive security information.
- 9. Home addresses.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.605 Manner in which to redact protected information.

16.605(1) Documents created for filing with the court. When protected information that is required by law or that is material to the proceedings must be included in a document that a filer is creating specifically for filing with the court, when reasonably practicable only a portion of the protected information should be used.

COMMENT:

Rule 16.605(1). Examples of portions of protected information include: if a Social Security number must be included in a document, only the last digit of that number is used; if financial account numbers are relevant, only incomplete numbers are recited in the document; if a person's date of birth is necessary, only the year is used; if a minor child's name must be mentioned, only the child's initials are used.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.605(2) Original documents that are required to be filed with the court.

- a. When an original document contains protected information that is required by law or is material to the proceedings as specified in rule 16.602, the filer must reduct that information.
- b. The unredacted version of the original document must be filed if such filing is required by law or the redacted information may be material to the proceeding.
- c. If an original document has multiple pages that contain entirely protected information, a single page may be submitted in the public version of the document.
- d. If a paper document contains protected information, the filer is responsible for making the same redactions on paper before filing the document that are required for electronic filings in rule 16.605. For original documents that have not been created by the filer, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.

COMMENT:

Rule 16.605(2)(a) and (b). If the unredacted version must be filed, the filer must scan in and file the unredacted version. The filer then must scan and file the redacted version, selecting "Redaction" as the document type on the electronic cover sheet. The filer must then relate the redaction to the original document. EDMS will file the unredacted version as restricted access and the redacted version as the public version of the document. For example, when filing an original birth certificate into a change of name case, the filer makes a copy of the birth certificate, using a permanent marker to black out the date of birth on the copy. The filer then scans and files the original birth certificate as an exhibit or attachment, then scans and files the redacted copy as a redaction. Only the redacted copy will be available to the public. A filer should not rely on software to redact protected information as the information may in fact be retrievable. Documents redacted in this way may be alterable and the protected information revealed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.606 Protected information form.

16.606(1) Protected information form required. When a filer is required to include protected information in a filed document, the filer may file a protected information form. The electronic filing section of the Iowa Judicial Branch website provides the form. The protected information form must contain the protected information in its entirety as well as the redacted version of the information used in the filed document. All references in the case to the redacted information included in the protected information form will be construed to refer to the corresponding complete protected information. The protected information form is not available to the public but is available to case parties.

16.606(2) Supplementing protected information form. When new information is needed to supplement the record or if information already contained in the protected information form needs to be updated or corrected, the parties must file an updated protected information form including all previously disclosed protected information plus any additions, changes, or corrections. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.607 Orders and other court-generated documents. All orders and other court-generated documents will follow the omission and redaction requirements in rule 16.603. Orders and other court-generated documents will use the redacted version of the protected information found in the protected information form that the parties file. *See* rule 16.606. Orders and other court-generated documents containing protected information that require enforcement or action by someone outside the court are governed by rule 16.603(4).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.608 Improperly included protected information.

16.608(1) A party may apply to the court to redact improperly included protected information from a filed document or court file and may request an immediate order to temporarily restrict access to the document or court file pending notice and opportunity to be heard by all parties.

16.608(2) If, after all parties have been provided an opportunity to be heard, the court finds protected information was improperly included in a filed document, the court may restrict access to the document and may order a properly redacted document to be filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.609 Sanctions. If a filer incorrectly files documents containing unredacted protected information, the court, upon its own motion or upon the motion of any party, may impose sanctions. A sanction imposed under this rule must be limited to that which will deter repetition of the conduct or comparable conduct by others. The sanction may include nonmonetary directives or an order to pay a penalty into court. If a party is required to file a motion to address a violation of division VI of this chapter, the court may award to the moving party reasonable attorney's fees and other expenses directly resulting from the violation.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.610 to 16.700 Reserved.

DIVISION VIICRIMINAL CASES

Rule 16.701 Criminal cases generally.

16.701(1) EDMS in criminal cases. All criminal cases will be opened using EDMS.

16.701(2) Applicability of other chapter 16 rules to criminal cases. The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in criminal cases except as stated in this division.

16.701(3) Self-represented criminal defendants. A self-represented criminal defendant is not required to register but may choose to register for electronic filing. If a person excused from electronic filing chooses to register, the person waives the exception and is governed by these rules in the same manner as any registered filer. A person who subsequently desires to be excused must apply for and receive an exception pursuant to these rules.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.702 Warrants and other similar applications. When made during regular court hours, applications for search warrants, applications for arrest warrants, and other similar applications may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application must be presented to the court in paper form and later scanned into EDMS.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.703 Documents initiating criminal cases.

16.703(1) *Trial informations and indictments.*

- a. *Trial informations*. Trial informations must be electronically presented to the court for approval. If the court approves the trial information, the information is electronically file stamped and filed. If the court refuses to approve the trial information, the prosecuting attorney is electronically notified.
- b. Indictments. Indictments containing a nonelectronic signature of a foreperson of a grand jury must be scanned before being electronically filed in EDMS.
- **16.703(2)** Complaints, traffic tickets, and similar citations. Complaints, traffic tickets, or similar citations containing the electronic signature of an arresting officer or other person must be transmitted to EDMS in such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic image of the signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.704 Signatures of criminal defendants. When a criminal defendant's signature is required on a document, the signature may be placed on the document in the following ways.

16.704(1) *Nonelectronic signature.* A criminal defendant may sign a document nonelectronically, and the document must be scanned for electronic filing.

16.704(2) Computer tablet signature. A criminal defendant may electronically sign a document using a computer tablet or similar technology.

16.704(3) Login and password. A criminal defendant who is a registered filer may sign the document using the defendant's login and password accompanied by a digitized or electronic signature. See rule 16.705 (documents requiring oaths, affirmations, or verifications).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.705 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into EDMS or may be signed with a digitized signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.705. Uniform citations and complaints are examples of documents under rule 16.705. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.706 Copies of documents for self-represented defendants. The court will provide self-represented criminal defendants who have not registered for electronic filing paper copies of all documents submitted to the court or filed by the court.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.707 Written plea agreements. Written plea agreements may be electronically presented to the court but need not be filed prior to a plea proceeding. If the plea is accepted, the electronically presented plea agreement is filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.708 to 16.800 Reserved.

DIVISION VIIIJUVENILE CASES

Rule 16.801 Juvenile cases generally.

16.801(1) *EDMS in juvenile cases.* All juvenile cases, with the exception of waivers of parental notification, will be opened using EDMS.

16.801(2) Applicability of other chapter 16 rules to juvenile cases. The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in all juvenile cases except as stated in this division.

- a. Exception to protected information rule 16.602 for the name of a minor child. The name of a minor child who is the subject of a petition or complaint alleging delinquency will not be disclosed and is considered protected information unless exempted under Iowa Code section 232.147.
- b. Exception for nonregistered self-represented parents, guardians, or legal custodians. Nonregistered self-represented parents, guardians, or legal custodians of a minor child in a juvenile case are excused from registration and electronic filing.
- c. Exception to exhibit maintenance order. The juvenile court may use but is not required to use the exhibit maintenance order in juvenile proceedings.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.802 Emergency applications. When made during regular court hours, applications for emergency orders may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application may be presented to the court in paper form and later scanned into EDMS.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.802. Examples of emergency applications include applications for placement in shelter care, placement in detention,

requests for emergency medical care, and removal from parental custody. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.803 Signatures. When the signature of a parent, guardian, custodian, child as defined in the Iowa Code, or adult within the jurisdiction of the juvenile court is required on a document, the signature may be placed on the document in one of the following ways:

16.803(1) *Nonelectronic signature.* The person may sign a document nonelectronically and the document must be scanned for electronic filing.

16.803(2) Computer tablet signature. The person may electronically sign a document using a computer tablet or similar technology.

16.803(3) Login and password. If the person is a registered filer, the person may sign the document using the person's login and password, accompanied by a digitized or electronic signature. See rule 16.804 (documents requiring oaths, affirmations, or verifications).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.804 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into the electronic document management system or may be signed with a digitized signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.805 to 16.900 Reserved.

CHAPTER 17 FORMS FOR SELF-REPRESENTED LITIGANTS

Rule 17.1 Rules 17.2 to 17.99 Rule 17.100 Use of forms; mandatory for self-represented litigants

Reserved

Family law forms for dissolution of marriage without minor or dependent adult children

Form 101: Petition for Dissolution of Marriage with no Minor

or Dependent Adult Children

Form 102: Petition Cover Sheet for a Dissolution of Marriage

with no Minor or Dependent Adult Children

Form 103: Confidential Information Form Form 104: Original Notice for Personal Service Form 104a: Original Notice for Personal Service

Form 105: Acceptance of Service

Form 106: Directions for Service of Original Notice Form 107: Motion and Affidavit to Serve by Publication

Form 108: Original Notice by Publication

Form 109: Application and Affidavit to Defer Payment of Costs
Form 110: Affidavit of Service of Original Notice and Petition
for Dissolution of Marriage

Form 111: Protected Information Disclosure

Forms 112 to 114: Reserved

Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

Form 116: General Answer to a Petition

Forms 117 to 121: Reserved

Form 122: Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children

Form 123: Response to a Motion

Form 124: Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children

Form 125: Affidavit of Mailing Notice

Form 126: Notice of Intent to File Written Application for

Default Decree

Form 127: Request for Relief in a Dissolution of Marriage with

no Minor or Dependent Adult Children

Form 128: Settlement Agreement for a Dissolution of Marriage

with no Minor or Dependent Adult Children

Forms 129 to 200: Reserved

Rules 17.101 to 17.199 Rule 17.200 Reserved

Family law forms for dissolution of marriage with dependent children Form 201: Petition for Dissolution of Marriage with Children

Form 202: Petition Cover Sheet for a Dissolution of Marriage

with Children

Form 203: Confidential Information Form Original Notice for Personal Service Form 204a: Original Notice for Personal Service

Form 205: Acceptance of Service

Form 206: Directions for Service of Original Notice Form 207: Motion and Affidavit to Serve by Publication

Form 208: Original Notice by Publication

Form 209: Application and Affidavit to Defer Payment of Costs Form 210: Affidavit of Service of Original Notice and Petition

for Dissolution of Marriage

Form 211: Protected Information Disclosure
Form 212: Joint Statement on Legal Parent
Form 213: Motion to Disestablish Legal Parent

	Form 214:	Reserved
	Form 215:	Answer to Petition for Dissolution of Marriage with Children
	Form 216:	General Answer to a Petition for Dissolution of Marriage with Children
	Forms 217 to	
	Form 221:	Affidavit for Temporary Custody and Visitation
	Form 222:	Motion in a Dissolution of Marriage with Children
	Form 223:	Response to a Motion
	Form 224:	Financial Affidavit for a Dissolution of Marriage with Children
	Form 225:	Affidavit of Mailing Notice
	Form 226:	Notice of Intent to File Written Application for Default Decree
	Form 227:	Request for Relief in a Dissolution of Marriage with Children
	Form 228:	Settlement Agreement for a Dissolution of Marriage with Children
	Form 229:	Agreed Parenting Plan
	Form 230:	Proposed Parenting Plan
	Forms 231 to	300: Reserved
Rules 17.201 to 17.299	Reserved	
Rule 17.300	Forms for mo	difying child support
	Form 301:	Application to Modify Child Support
	Form 302:	Cover Sheet for an Application to Modify Child Support
	Form 303:	Confidential Information Form
	Form 304:	Original Notice for Personal Service
	Form 304a:	Original Notice for Personal Service
	Form 305:	Acceptance of Service
	Form 306:	Directions for Service of Original Notice
		d 308: Reserved
	Form 309:	Application and Affidavit to Defer Payment of Costs
	Form 310:	Affidavit of Service of Original Notice and Application
		to Modify Child Support
	Form 311:	Protected Information Disclosure
		314: Reserved
	Form 315:	Answer to Application to Modify Child Support
	Form 316:	General Answer to Application to Modify Child Support
		321: Reserved
	Form 322:	Motion in a Child Support Modification
	Form 323:	Response to a Motion in a Child Support Modification
	Form 324:	Child Support Modification Financial Statement
	Form 325: Form 326:	Affidavit of Mailing Notice Notice of Intent to File Written Application for Default
		Decree
	Form 327:	Request for Relief in a Child Support Modification
	Form 328:	Settlement Agreement on an Application to Modify Child Support
D 1 15 201 : 15 202	Forms 329 to	400: Reserved
Rules 17.301 to 17.399	Reserved	
Rule 17.400		and visitation forms for unmarried parents
	Form 401:	Petition for Custody and Visitation (Parents not Married)
	Form 402:	Petition Cover Sheet for Custody and Visitation
	Form 404:	Confidential Information Form
	Form 404: Form 404a:	Original Notice for Personal Service
	Form 404a: Form 405:	Original Notice for Personal Service Acceptance of Service
	Form 405:	Directions for Service of Original Notice
	1 01111 700.	Directions for service of original route

Form 407:	Motion and Affidavit to Serve by Publication
Form 408:	Original Notice by Publication
Form 408a:	Proof of Service by Publication
Form 409:	Application and Affidavit to Defer Payment of Costs
Form 410:	Affidavit of Service of Original Notice and Petition for
	Custody and Visitation
Form 411:	Protected Information Disclosure
Form 412:	Joint Statement to Disestablish Legal Parent
Form 413:	Motion to Disestablish Legal Parent
Form 414:	Reserved
Form 415:	Answer to Petition for Custody and Visitation
Form 416:	General Answer to a Petition for Custody and Visitation
Forms 417 to	420: Reserved
Form 421:	Affidavit for Temporary Custody and Visitation
Form 422:	Motion in a Custody and Visitation Case
Form 423:	Response to a Motion in a Custody and Visitation Case
Form 424:	Custody and Visitation Financial Statement
Form 425:	Affidavit of Mailing Notice
Form 426:	Notice of Intent to File Written Application for Default
	Decree
Form 427:	Request for Relief in a Dissolution of Marriage with Children
Form 428:	Settlement Agreement for Custody and Visitation
Form 429:	Agreed Parenting Plan
Form 430:	Proposed Parenting Plan
Forms 431 to	500: Reserved
Reserved	

Rules 17.401 to 17.499

CHAPTER 17 FORMS FOR SELF-REPRESENTED LITIGANTS

Rule 17.1 Use of forms; mandatory for self-represented litigants. An individual who is not represented by an attorney in a legal proceeding covered under this chapter must use forms contained in this chapter. An attorney may use these forms but is not required to do so. [Court Order May 16, 2007; December 19, 2013]

Rules 17.2 to 17.99 Reserved.

Rule 17.100 Family law forms for dissolution of marriage without minor or dependent adult children. The following forms are for use in dissolution of marriage (divorce) actions without children under the age of 18 who are children of both spouses to the marriage, or children under the age of 18 who were adopted or born during the marriage, or children 18 years of age or older who are children of both spouses to the marriage and still need support. These forms cannot be used if a spouse of the marriage is pregnant.

ise of the marriage is	s pregnant.
Form 101:	Petition for Dissolution of Marriage with no Minor or Dependent Adult Children
Form 102:	Petition Cover Sheet for a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 103:	Confidential Information Form
Form 104:	Original Notice for Personal Service
Form 104a:	Original Notice for Personal Service
Form 105:	Acceptance of Service
Form 106:	Directions for Service of Original Notice
Form 107:	Motion and Affidavit to Serve by Publication
Form 108:	Original Notice by Publication
Form 109:	Application and Affidavit to Defer Payment of Costs
Form 110:	Affidavit of Service of Original Notice and Petition for Dissolution of Marriage
Form 111:	Protected Information Disclosure
Forms 112 to 114:	Reserved
Form 115:	Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children
Form 116:	General Answer to a Petition
Forms 117 to 121:	Reserved
Form 122:	Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 123:	Response to a Motion
Form 124:	Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 125:	Affidavit of Mailing Notice
Form 126:	Notice of Intent to File Written Application for Default Decree
Form 127:	Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children

Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children Form 128:

Forms 129 to 200: Reserved

[Court Order December 19, 2013]

Rule 17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

Read the Guide to Representing Yourself in an Iowa Divorce Case on the Iowa Judicial Branch website before using this form.

Do not use this form if any of the following are true:

· You are not married.

December 2019

- . Neither you nor your spouse has lived in lowa for the last year before filing this Petition.
- · Petitioner or Respondent is pregnant.
- There are children 18 years of age or older (born or
- adopted) who still need support (for example, the child is in high school or college, or is disabled).
- There are children under the age of 18 who are children (born or adopted) of both spouses before or during the marriage, even if Petitioner or Respondent is not the natural parent.

If filing electronically, you must provide any protected information in full on form 111.

If filing in paper, you may use form 111 to provide any protected information in full.

tne	lowa District Court for			Count
Re	the Marriage of:	County where you are filin	ng this Petition	
ur cu	rrent legal name	Your spouse's curr	rent legal name	
oon	the Petition of			
		For clerk's use only		
titi	Oner Your full name: first, middle, last			Marriage with dult Children
d co	oncerning			
	ondent Your spouse's full name: first, mid	6965Aba (FRESSA)		
Pe	ersonal Information Fill in all indy you fear for your safety, you may leave Petitioner's (your) birth year and	formation that you know. If you your street address, phone nun	nber, and email l	
Pe	ersonal Information Fill in all in I you fear for your safety, you may leave	formation that you know. If you your street address, phone nun	nber, and email l	
Pe	ersonal Information Fill in all in d you fear for your safety, you may leave Petitioner's (your) birth year and	oformation that you know. If you your street address, phone num present residence: Birth your	nber, and email b ear	zIP code
Pe and A.	ersonal Information Fill in all in all in all you fear for your safety, you may leave Petitioner's (your) birth year and Petitioner's present street address	formation that you know. If you your street address, phone number	ear State Email a	zIP code ddress
Pe and A.	ersonal Information Fill in all in all in all you fear for your safety, you may leave Petitioner's (your) birth year and Petitioner's present street address County	formation that you know. If you your street address, phone number	nber, and email bear State Email a	zIP code ddress
Pe and A.	Petitioner's present street address County Respondent's (your spouse's) berrouse in all in all in all in all in all you fear for your safety, you may leave petitioner's (your) birth year and Petitioner's present street address	formation that you know. If you your street address, phone number in the your street address, phone number in the year and present residence.	state Email a Birth ye	zIP code ddress ar ZIP code

Rule 17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

2. General Information About the Marriage and the Parties A. Date and location of the marriage Year Day City Month State B. Children Check all that are true (1) There are no children under the age of 18 who are children of both Petitioner and Respondent. (2) There are no children under the age of 18 who were adopted or born during this marriage. (3) There are no children 18 years of age or older who still need support. (4) Neither Petitioner nor Respondent is pregnant. C. Petitioner's residence You cannot get a divorce in Iowa if your spouse does not live in Iowa and you have lived in Iowa for less than one year, or if you came to live in Iowa just to get a divorce. If you have questions about this, talk to an attorney. (1) The only reason that Petitioner (you are Petitioner) is living in Iowa is just to get a divorce. True If you do not live in Iowa, or if you live in Iowa for reasons other than just to get a divorce, check "False." (2) Petitioner has lived in lowa for the last _____ years and ____ months __ county. If you have always lived in Iowa, count the time since your birth. If you have been a resident of another state, count the time since you last moved to Iowa. D. Parties' residence Check each that is true (1) Petitioner has lived in Iowa for more than one year. (2) Respondent (your spouse) is a resident of Iowa. E. Condition of the marriage Check all that are true (1) The marriage is broken and cannot be saved. (2) This is the only divorce case going on involving this marriage. If you did not check (2), explain in H. You should also talk to an attorney. (3) This Petition is being filed in good faith for the purpose of ending the marriage.

(4) Counseling will not save the marriage. If counseling may save the marriage, do not check (4).

3.

 $Rule\ 17.100 — Form\ 101:\ \textit{Petition for Dissolution of Marriage with no Minor or Dependent Adult Children}, continued$

F. Respondent's status Check each that is true				
	(1)	Respondent (your spouse) is in the mility f you check f , note that there are special if your spouse is in the military. You should	rules that may prevent your case	e from going forward
	(2)	Respondent is in prison or jail at	of facility	in
 G. Protective or no contact order Check one (1) There is neither a "protective order" nor a "no contact order" between Respondent (your spouse). 				
	(2) 🔿	There is a "protective order" or a "no co If you check (2), fill in the following inform		er and Respondent.
		a. County and state where the order came	e from:	State State
		b. Court case number:		2000
Н.	Other i	information:		
Pe	titione	r's Request		
A.		ner asks the court to:		
		Il that apply. The court will only consider ite		
	DOMESTIC ACCORD	End the marriage of Petitioner (you) and	150 SEV S 1504 MARIANA	
	100 to 100 mm	Fairly divide the property and the debts	and .	
	(3) 📙	Order that Respondent pay the court fe		
	(4)	Order that Respondent pay for Petitioner If you check (4), you must file form 122.	's attorney's fees before the div	orce is final.
(5) Order that Respondent pay spousal support (alimony) to Petitioner. If you check (5), you must file form 122.				
	(5)	Order that Respondent pay spousal sup If you check (5), you must file form 122.	oport (alimony) to Petitioner.	
	(5) (6)		Name can only be changed to a certificate or name used immed	
		If you check (5), you must file form 122.	Name can only be changed to	

 $Rule\ 17.100 — Form\ 101:\ \textit{Petition for Dissolution of Marriage with no Minor or Dependent Adult Children}, continued$

4.	Attorney Help					
	Check one					
	A. An attorney	did not help	me prepare or	fill in this paper.		
	B. An attorney	helped me p	repare or fill ir	this paper.		
			the following in			
	Name of attorn	ey or organiza	tion, if any	Attorney's P.I.N.	#-Ask the attorne	Py
	Business addre	ess of attorney o	or organization	City	State	ZIP code
	()		()			
	Attorney's pho	ne number	Attorney's fa	x number – optional	Attorney's email	l address – optional
E	Service Instruction	one				
υ.	If Petitioner is filing					
	Check one	пт рарег				
	A. O Petitioner w	ll accent sen	vice of docum	ents at the attorn	ov's address lis	ted above: or
	~					
	B. O Petitioner wil	i accept servi	ce or documer	nts in this case at	the mailing addr	ess below.
6.	Oath and Signati	ıre				
	T.		bov	a road this Potitie	on and Loortify	under nenelty
	I, Print your name		, nav	e read this Petition	on, and reening	under penalty
	of perjury and pursu	ant to the la	ws of the State	e of lowa that the	e information I h	ave provided
	in this Petition is tru	e and correc	t.			
			_, 20 <u></u>			
	Signed on: Month	Day	Year	Your signature*		
	3		a #		9 8	5 8
	Mailing address		C	ity	State	ZIP code
	()					
	Phone number	Emai	l address	Ada	litional email addre	ss, if applicable
	* Whether filing electroni scan the form after sign		The same of the sa	ite your signature on t	his form. If you are fi	ling electronically,

Important Notice to Petitioner
See next page for instructions for filing a Petition.

Instructions for Rule 17.100-Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

Do not file these instructions

Instructions for Filing a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Petition electronically

- If you are filing your divorce case in a county that uses electronic filing, you must register to
 electronically file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented) for eFiling</u>.
- After you have registered, <u>log in to the electronic filing system</u> to electronically file your dissolution case.
- For help electronically filing your divorce, see <u>How to eFile a New Case</u>.
- With your Petition, you must also file an Original Notice (104) and a Protected Information Disclosure Form (111).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling
 of your Petition and other documents.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your filing. For help, see <u>How to Resubmit a Returned Filing</u>.
- Log in to your eFile account and download and print your Petition and Original Notice so that you can serve it on (deliver it to) your spouse.
- For help finding and downloading your Petition and Original Notice, please see <u>My Filings Reference</u> <u>Guide</u>.

Filing your Petition in paper

- If the county where you will be filing your Petition does not yet accept electronic filing, you may
 proceed in paper. If the county does accept electronic filing, you must proceed electronically, unless
 you have received permission from the court to file in paper.
- With your Petition (101), you must also file a Petition Cover Sheet (102), an Original Notice (104a), and a Confidential Information Form (103).
- Forms 101 and 104a: Make two photocopies if you can deliver copies of these forms to your spouse
 in-person or by mail. Make three photocopies if you are going to ask the county sheriff or a civil
 process server to deliver these forms to your spouse.

Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.

- Forms 102 and 103: You do not have to make photocopies of these forms.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county.
 Tell the clerk at the counter you are filing a Petition for a divorce.
- Give the clerk at the counter these forms:

Instructions for Rule 17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

- 101 Petition for Dissolution of Marriage (Divorce) with no Minor Children
- 102 Coversheet for a Petition for Dissolution of Marriage with no Minor Children
- 103 Confidential Information Form (Do not make copies of this form.)
- 104a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 109.
- The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these fees
 and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (104a). You will have to serve this form on (deliver it to) your spouse.
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions

Rule 17.100—Form 102: Petition Cover Sheet for a Dissolution of Marriage with no Minor or Dependent Adult Children

For court use only Case num	nber	County where case is fil	ed	-
Petitioner				
Petitioner's first name	Middle name	Last name		-):
Street address		City	State	ZIP code
() Phone number	Email add	ress		
Case name				
Petitioner's first name	Middle name	Last name		 i
VS.				
Respondent's first name	Middle name	Last name		_

Note to Petitioner

- Petitioner must complete this cover sheet if filing in paper and give it to the district court clerk when filing a
 Petition for Dissolution of Marriage with no Minor or Dependent Adult Children.
- Do not serve this cover sheet on Respondent.
- This cover sheet is for statistical purposes only. It has no legal effect in the case.
- For electronic filers: You do not have to file this form. This information is automatically generated when you submit your documents electronically.

Rule 17.100—Form 103: Confidential Information Form

This form is to be used by paper filers only.

Each party must complete one of these forms if filing in paper.

lowa Code section 602.6111 requires the parties to a case to provide the clerk of court with certain personal identification information. Each party's completed form will be kept confidential by the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

n the Iowa District Court for _	County where your	case is filed
Jpon the Petition of	Equity case r	no
Petitioner Full name: first, middle, last the spouse who files the Petition for Dissolution of Mondo concerning	10 mm 10 mm 2 mm 2 mm 2 mm 2 mm 2 mm 2 m	ential Information Form
Respondent Full name: first, middle, last the other spouse	33	
. Petitioner's information		<u>=</u>
Full name: First, Middle, Last	Birth date	Social Security number
. Respondent's Information	1 1	
Full name: First, Middle, Last	Birth date	Social Security number
. Signature of Provider of Information provided by:		
D.:	our full name: first, middle, last	
Print ye		, 20

Important Notice:

Do not give copies of this form to anyone except the clerk of court.

Rule 17 100—Form 104: Original Notice for Personal Service

Rule 17.100—Form 104. Original 100	nce joi i erse	mai sei vice		
Petitioner must serve the Petition on Resp Failure to meet this deadline may result in the			etition.	
Read the Guide to Representing Yours		100	va Judicial	Branch website
for additional important instructions.				
If filing electronically, Petition	ner must comp	lete this form.		
If filing in paper, Petitioner n	nust use form 1	04a.		
If you do not understand how to use this f	form, or if you	should use this form, t	alk to an at	torney.
In the Iowa District Court for _		County where Petition	a is filed	County
		County where I ention	i is jiieu	
Upon the Petition of				
•		Original Notic	e for Pe	rsonal Service
		J. 1.5		
Petitioner Full name: first, middle, last				
and concerning				
Respondent Full name: first, middle, lass	·			
Tai nanc. ji si, maac, ras	2			2
To Respondent Named Above				
Petitioner (your spouse) has fil	ed a divorce l	awsuit naming you as	Respond	ent
A copy of the Petition for Disso			10	OTIL.
Petitioner asks for a divorce.				
Petitioner's contact information	during the d	vorce case:		
1 Chiloner 3 Contact Illionnation	during the d		er's name	
Mailing address	City		State	ZIP code
	M.			
()	77 17 17			
Phone number	Email addre.	SS		
Important in	tructions fo	r Respondent on ne	evt naae	
importuni uis	ucuons jo	respondent on ne	na puse	

November 2013 Rule 17.100—Form 104 Page 1 of 3

Rule 17.100-Form 104: Original Notice for Personal Service, continued

Instructions to Respondent

- A. You must file an Answer or a Motion with the clerk of court in the above county within 20 days after you receive this Original Notice. If you do not file an Answer or Motion within 20 days after receiving this Original Notice, the court may enter a judgment against you giving Petitioner what he or she asked for in the Petition.
- B. For help in your divorce case, and for forms that you must use if you choose to represent yourself without an attorney, visit the Iowa Judicial Branch website at http://www.iowacourts.gov/ and click on "Court Rules & Forms" or on "For the Public."
- C. If you received Petition form 101, you may use Answer form 115.
- D. This case has been filed in a county that uses electronic filing. You must register to eFile through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/Efile and obtain a log in and password for filing and viewing documents in your case and for receiving service and notices from the court.
 - For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16
 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial
 Branch website.
 - For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules Chapter 16.
 - If you are unable to proceed electronically, you must receive permission from the court to file in paper.
 Contact the clerk of court in the county where the petition was filed for more information on being excused from electronic filing.
- E. If you electronically file your Answer or Motion, it will be served automatically on Petitioner or on Petitioner's attorney(s). A Notice of Electronic Filing (NEF) will tell you if the court has excused Petitioner from electronic filing. If the court has excused Petitioner from electronic filing, you must mail a copy of your Answer or Motion to Petitioner.

Important Notice to Respondent
You should talk to an attorney at once to protect your interests.

Rule 17.100—Form 104a: Original Notice for Personal Service

Read the <u>Guide to Representing Yourself in an Iowa Di</u> important instructions.	vorce Case on the Iowa Judicial Branch website for additional
☐ If filing electronically, Petitioner must use for	rm 104.
If filing in paper, Petitioner must use this form	n.
If you do not understand how to use this form, or if	you should use this form, talk to an attorney.
In the Iowa District Court for	County
	County where Petition is filed
Upon the Petition of	Equity case no
	Original Notice for Personal Service
Petitioner Full name: first, middle, last	
and concerning	
Respondent Full name: first, middle, last	
 Petitioner asks for a divorce. Petitioner's contact information during the 	Petitioner's name
Mailing address City	State ZIP code
()	
Phone number Email add	
this Original Notice. If you do not file an Ancourt may enter a judgment against you If you received Petition form 101, you ma	the clerk of court in the above county within 20 days after you receive swer or Motion within 20 days after receiving this Original Notice, the giving Petitioner what he or she asked for in the Petition. y use Answer form 115 .
After you file your Answer or Motion, you	must serve a copy of it on Petitioner.
(SEAL)	Clerk of Court
Important Notice to Respondent You should talk to an attorney at once to	County Courthouse
protect your interests.	, lowa
If you need assistance to participate in court due to a disability, c hearing or speech impaired may call Relay lowa TTY (1-800-735 contact information available at: http://www.iowacourts.gov/Admi	-2942). Disability coordinators cannot provide legal advice. Disability coordinator

November 2013 [Court Order November 6, 2013]

Rule 17.100-Form 105: Acceptance of Service

Petitioner must complete this section:

In the Iowa District Court for	County where Petition is filed		County
Upon the Petition of	Equity case no		
Petitioner Full name: first, middle, last	Acceptance o	f Servic	е
and concerning			
Respondent Full name: first, middle, last			
Petitioner must file this form with the clerk of court soon of	ıfter Respondent signs it.		
Respondent must complete this section:			
Respondent's Acceptance of Service, Oa	th, and Signature		
If Respondent completes this Acceptance of Service, Responsioning it. Petitioner will file it with the clerk of court.	ondent must return this form to P	etitioner so	on after
l,, Print your name	am Respondent in this cas	e. I recei	ived a copy
of the Original Notice and the Petition for this call certify under penalty of perjury and pursuant to information I have provided in this Acceptance of	the laws of the State of lov	wa that th	
. 20			
Signed: Month Day Year	Respondent's signature		
Respondent's mailing address	City	State	ZIP code
Phone number Email address			

Important Notice to Respondent

By signing this form, you are not agreeing to what Petitioner wants. You are only agreeing that you received a copy of the Original Notice and Petition.

November 2013 Rule 17.100—Form 105 Page 1 of 1

Rule 17.100—Form 106: Directions for Service of Original Notice

Petitioner must complete this form if the sheriff or a process server will deliver the Petition and Original Notice to Respondent.

Do not use this form if Respondent has already received the Petition and Original Notice.

Do not file this form with the clerk of court in paper or electronically.

Give this form to the sheriff or other process server with your Petition (101) and Original Notice (104 if electronically filing or 104a if filing in paper).

If you do not understand how to use this form, or if you should use this form, talk to an attorney,

ınty	where Petition is filed	Equity case number		
	ame and Location of Sheriff o	or Other Process Serve	ľ	
Cł	neck one and fill in the blanks			
Α.	Sheriff In county where Respond	ent will be served		
		_ County		
	Street address		State	ZIP code
B.	Other process server			
	Name of other person serving the N	lotice		
	Street address	City	State	ZIP code
P	erson to be Served			
Yo	ur spouse 's name	Phone number		
\overline{Ac}	ldress where your spouse can be served	City	State	ZIP code
P	erson Requesting Service			
Yo	ur name	() Phone number		
Yo	ur present mailing address	City	State	ZIP code
	A A A A A A A A A A A A A A A A A A A	7/75),		

5. Costs of Service

Rule 17.100—Form 106: Directions for Service of Original Notice, continued

	Check one	
	A. O Petitioner will pay the costs of the Sheriff If you cannot afford the costs, file form 109.	or other process server.
	B. Costs for Sheriff deferred by court order:	
	•	Clerk of court: Sign only if costs deferred by court order
6.	Notification	
	After completion of service, the sheriff or other pro- requesting service.	cess server will notify the person
	, 20	
	Date signed: Month Day Year	Your signature

Rule 17.100—Form 107: Motion and Affidavit to Serve by Publication

Petitioner: Use this form only if you do not know where your spouse lives or works.

- You must contact a newspaper that is generally distributed or circulated throughout the county where you filed the Petition.
- Ask if the newspaper will publish your Original Notice by Publication (108) in your divorce case.
- Tell the newspaper you need to publish the Notice once each week for three weeks in a row.
- If the newspaper can publish your Notice three weeks in a row, ask how much it will cost.
- Tell the newspaper you will call back to arrange for publishing your Notice after a judge gives you permission to publish your Notice in the newspaper.
- The fees for publication are set by statute in Iowa Code section 618.11.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the	lowa District Court for	Сои	inty where you fi	led the Petition	County
Upon	the Petition of			no	
Petiti	Oner Full name: first, middle, last			tion and Affid ve by Publica	
and co	oncerning				
Resp	ondent Full name: first, middle, last				
1. In:	formation and Requests				
A.	Respondent's residence Check each that applies				
	(1) Respondent lives outsid(2) Respondent's residence		employment ar	e unknown.	
B.	Respondent's last known resi	idence:			
	Street address	City		State	ZIP code
	County	(Phone n	umber	Email a	ddress
C.	Most recent date Respondent	t is known to	have been at	the address abo	ove:
	Month Day	20			

Rule 17.100—Form 107: Motion and Affidavit to Serve by Publication, continued

D.	Petitioner has taken these steps to find Respondent:
E.	Petitioner will publish notice in this newspaper:
	Name of newspaper
F.	Petitioner asks the court to allow Petitioner to serve Respondent by publication because

F. Petitioner asks the court to allow Petitioner to serve Respondent by publication because Respondent cannot be personally served.

Rule 17.100-Form 107: Motion and Affidavit to Serve by Publication, continued

2.	Attorney Help Check one			
	A. An attorney did not help me prepare or	fill in this paper.		
	B. An attorney helped me prepare or fill in If you check B, you must fill in the following in	this paper.		
	Name of attorney or organization, if any	Attorney's P.I.N. # –	-Ask the attorney	
	Business address of attorney or organization	City	State	ZIP code
	()(). Attorney's phone number	x number – optional A	Attorney's email ac	ldress – optiona
3.	Oath and Signature			
	I,, have	e read this Motion a	nd Affidavit, an	d I certify
	under penalty of perjury and pursuant to the la have provided in this Motion and Affidavit is tru		owa that the inf	ormation I
	, 20 <u>,</u>	Your signature*		
	Signed on: Month Day Year	Your signature*		
	Mailing address C	ity	State	ZIP code
	Phone number Email address	Additio	nal email address,	if applicable

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.100-Form 108: Original Notice by Publication

Petitioner should complete this form only if a judge has signed an order giving permission to publish this Notice in a newspaper.

After you take this Notice to the newspaper, promptly mail a copy of this Notice and the Petition to Respondent's last known mailing address.

Note to Petitioner: Fill in third date of publication in section 2 below.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

Newspaper: Publish only the information below this line.

In the Iowa District Court for	County where Petition is filed
Upon the Petition of	Equity case no.
Petitioner Full name: first, middle, last and concerning	Original Notice by Publication
Respondent Full name: first, middle, last	
Information for Respondent Named A Petitioner (your spouse) has filed a divorce Petitioner's contact information during the contact informatio	lawsuit naming you as Respondent.
Petitioner's present street address	City State ZIP code
County	Phone number Email address
You must file an Answer or a Motion with the Month Day Year	esponse e clerk of court in the above county within 20 days after
provided above. If you do not respond, the countries she asked for in the Petition. Import You should talk to an attorney at once to protect you	erk of court in the above county within 20 days after the date t may enter a judgment against you giving Petitioner what he of ant Notice to Respondent ar interests.
self-represented litigant information and family law	act the disability coordinator at: () Persons who are 42). Disability coordinators cannot provide legal advice. Disability coordinate

Rule 17.100-Form 108: Original Notice by Publication, continued

Newspaper: only publish the instructions below if your county uses electronic filing. To determine if your county uses electronic filing, check the map available on the Iowa Judicial Branch website under "eFiling," or call the clerk of court office in your county.

- You must register to eFile through the Iowa Judicial Branch website at
 https://www.iowacourts.state.ia.us/Efile/ and obtain a log in and password to file and view documents in your case and to receive service and notices from the court.
- For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16
 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial
 Branch website.
- For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules, Chapter 16.

Rule 17.100—Form 109: Application and Affidavit to Defer Payment of Costs

Petitioner uses this form only if Petitioner cannot afford to pay the fees to file and serve the Petition.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff cannot be waived. For example, you may have to pay to publish a legal notice in the newspaper or to hire an expert to testify.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In th	e Iowa District Court for	County
	Con	unty where your case is filed
Upo	n the Petition of	Equity case no.
Petit	ioner Full name: first, middle, last	Application and Affidavit to Defer Payment of Costs
and o	concerning	
Res	oondent Full name: first, middle, last	
1. R	Request	
Α	. I am Petitioner.	
В	 For my Application and Affidavit, I state the Check all that apply 	at:
	(1) I am unable to pay the filing fee or ser	vice costs or other court costs.
	(2) \[\] I ask the court for permission to proce	ed without prepayment of costs and fees.
	(3) I am filing this Application and Affidav	it in good faith.
	(4)	king for in this case.
С	. Household	
	There are people living in my house Number	ehold.
D	. My household income is \$	per month.
	Put the total amount of all income and benefits bej	fore deductions for all members of your household.
Е	. My income comes from:	
	List the sources of your income. Examples: salary,	wages, or benefits such as unemployment, Title 19, FIP.

 $Rule\ 17.100-Form\ 109: Application\ and\ Affidavit\ to\ Defer\ Payment\ of\ Costs,\ continued$

F.	My household has th	e following monthly expenses:
	(1) Rent or mortgage	\$
	(2) Utilities	\$
	(3) Phone	\$
	(4) Food	\$
	(5) Transportation	\$
G.	I have \$	in cash, checking, and savings.

Rule 17.100—Form 109: Application and Affidavit to Defer Payment of Costs, continued

2.	Attorney Help			
	Check one			
	A. An attorney did not help me prepare or	fill in this paper		
	B. An attorney helped me prepare or fill in	this paper.		
	If you check B, you must fill in the following in			
	Name of attorney or organization, if any	Attorney's P.I.N.	#-Ask the attorn	ney
	Business address of attorney or organization	City	State	ZIP code
	() ()			
	()() Attorney's phone number	x number – optional	Attorney's ema	il address – optiona
3	Certification of Service by Mailing or De	alivery		
J.	Section 3 to be completed only if filing in paper or if th		npt from electroni	c filing.
	This document, if filed electronically, will automaticall	y be served on regis	tered parties.	
	I,, cert	ify that on		, 20
	2004		51	
	I mailed or gave a copy of this Application and Affi	davit to the other p	arty or the other	party's attorney
	at this address:			
	t			
	Name of person to whom I delivered or mailed it			
			7 2	
	Party's or attorney's mailing address City		State	ZIP code
4	Oath and Signature			
•••		sia Annliaation an	ad Affida, vit and	l oomifuu malar
	I,, have read the Print your name	ns Application ar	id Amdavit, and	i certify under
	penalty of perjury and pursuant to the laws of th	e State of lowa th	nat the information	on I have
	provided in this Application and Affidavit is true			
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
	, 20	r signature*		
	Signed on: Month Day Year You	r signature*		
	Mailine addune	:	Ctuto	7ID as Ja
	Mailing address City		State	ZIP code
	()	-		
	Phone number Email address	Add	ditional email addr	ess – if available
	* Whether filing electronically or in paper, you must handwr.	ite your signature on t	his form. If you are	filing electronically,
	scan the form after signing it and then file electronically.			
Nov	vember 2013 Rule 17.10)—Form 109		Page 3 of 3

Rule 17.100—Form 110: Affidavit of Service of Original Notice and Petition for Dissolution of Marriage

This form is used only if someone other than Petitioner (you), a sheriff, or a process server delivered a copy of the Petition and Original Notice to Respondent (your spouse).

- The person, other than Petitioner, who gave the Petition and Original Notice to Respondent, fills in this form.
- . Petitioner, or the person who gave the Petition and Original Notice to Respondent, must file this form with the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Cour	t for	County where Per	tition is filed	County
Upon the Petition of		Equity cas	se no	<u> </u>
Petitioner Full name: first, middle	e, last	N	avit of Service of lotice and Petitic issolution of Ma	n for
and concerning			issolution of wa	maye
Respondent Full name: first,	middle, last	_		
1. Affidavit				-
I,		, delivered a	copy of the Origina	Notice and
Name of person - Cannot	be Petitioner, sheriff	, or process server		
Petition for Dissolution o	f Marriage for thi	is case to:		Check one
				O a.m.
Name of Respondent	on		, 20 at _	O p.m.
Name of Respondent	Mon	nth Da	y Year Ti	me
by handing Respondent	copies of the att	ached papers.		
2. Oath and Signature	1 D.	# 1 O -: - : 1 N -	£ D	
To be completed by the person				
l,		, have read th	nis Affidavit of Serv	ice, and I certify
Print your name	50 No. 00	1942) 2/24 (95.9952) previous	al de acceptant destruit de destruit	sion event the same same
under penalty of perjury				e information l
have provided in this Aff				
<u> </u>	, 20			
Signed on: Month Do	y Year	Your signature*		
Mailing address	Ñ	City	State	ZIP code
() Phone number	Email address		Additional email add	ress – if available
* If you are filing electronically,	scan the form after si	igning it and then file ei	lectronically.	
November 2013	Pula	17.100—Form 110		Page 1 of 1
NOVELLIDEL 2013	Rule	77.100—FOIII 110		ragerori

[Court Order November 6, 2013]

Rule 17.100—Form 111: Protected Information Disclosure

It is the responsibility of counsel, if any, and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made. For electronic filers, see division VI of Chapter 16 of the Iowa Court Rules. For paper filers, see Iowa Rule of Civil Procedure 1.422.

Use this form to identify the full version of any protected information redacted in other documents you have filed.

■ If filing electronically:

- Petitioner must complete this form (111) and file it with the Petition (101) and Original Notice (104).
- Respondent must complete this form if adding or correcting protected information.
- Paper filers also may use form 111 to assist in complying with Iowa Rule of Civil Procedure 1.422.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County
	County where the case is filed
Upon the Petition of	Equity case no
Petitioner Full name: first, middle, last	Protected Information Disclosure
and concerning	
Respondent Full name: first, middle, last	_

For electronic filers:

A. Name

When protected information, as defined in lowa Court Rule 16.602, is required by law to be included or is material to the case and must be included in non-confidential documents, a party shall include the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules Pertaining to the Use of the Electronic Document Management System, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted.

1. Petitioner The spouse who filed for divorce.

Provide the complete version of protected information and the redacted version included in documents you file.

First	Middle La	st
Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
(1) Social security number	 XXX-XX-XXXX	Last four digits only
(2) Financial account numbers	Full account number	Partial account number only
(3) Date of birth	/ / mm/dd/yyyy	Year only
(4) Individual taxpayer identification numbers	XXX-XX-XXXX	Last four digits only

Rule 17.100-Form 111: Protected Information Disclosure, continued

(5) Personal identification numbers	Full number	Partial only
(6) Other unique identifying numbers	Full number	Partial only
(7) Additional protected information	Full information	Partial information
(8) Additional protected information	Full information	Partial information
(9) Additional protected information	Full information	Partial information
(10) Additional protected information	Full information	Partial information

[☐] Check this box if you are attaching a separate sheet listing additional information for Petitioner.

2. Respondent The spouse who did not file for divorce.

A. Name

Provide the complete version of protected information and the redacted version included in documents you file.

First	Middle Lass	t
Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
(1) Social security number	XXX-XX-XXXX	Last four digits only
(2) Financial account numbers	Full account number	Partial account number only
(3) Date of birth	/ / mm/dd/yyyy	Year only
(4) Individual taxpayer identification numbers	 XXX-XX-XXXX	Last four digits only
(5) Personal identification numbers	Full number	Partial only
(6) Other unique identifying numbers	Full number	Partial only
(7) Additional protected information	Full information	Partial information
(8) Additional protected information	Full information	Partial information
(9) Additional protected information	Full information	Partial information
(10) Additional protected information	Full information	Partial information

☐ Check this box if you are attaching a separate sheet listing additional information for Respondent.

Month

Date information provided

Rule 17.100—Form 111: Protected Information Disclosure, continued

Day

Year

3. Information provided by:

~	/s/
Handwritten signature of party completing this form or attorney if filing in paper	Electronic signature of party completing this form or attorney if filing electronically
I aw firm if applicable	-

Mailing address	City	State	ZIP code
() Phone number	_		
Email address	Addition	nal email address, if ap	plicable

Rule 17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

Respondent must file an Answer within 20 days after receiving the Petition and Original Notice, or the court may enter a judgment against Respondent giving Petitioner what he or she asked for in the Petition.

Use this Answer form 115 if you received Petition form 101, otherwise use form 116.

Read the Guide to Representing Yourself in an Iowa Divorce Case on the Iowa Judicial Branch website before using this form.

- 星 If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111).
- If filing in paper, you may use form 111.

n the Iowa District Court for	ty where your spouse filed the Petition Coun
Upon the Petition of	Equity case no
Petitioner Your spouse's full name: first, middle, last and concerning	Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children
Respondent Your full name: first, middle, last	
	ot correct, check (2) and fill in the blanks.
 (1) O Petitioner's (your spouse's) birth year (2) O Petitioner's birth year and present re	ar and present residence are correct in the Petition. esidence are not correct in the Petition.
 (1) Petitioner's (your spouse's) birth year (2) Petitioner's birth year and present re The correct information is: 	ar and present residence are correct in the Petition.
(1) Petitioner's (your spouse's) birth year (2) Petitioner's birth year and present re The correct information is: Birth year Present street address	ar and present residence are correct in the Petition. esidence are not correct in the Petition.

ule 17.1	100—Form 115: Answer to Petition for Dissolu	non of Mariage with no I	Interior or Dependent Ha		continued
	Present street address	City		State	ZIP code
	County	()	w.	– Email a	11
_	秃	rnone number		Етан а	uaress
	eneral Information About th		d the Parties		
Α.	Date and location of the marria Check one	ge			
	If paragraph 2A of the Petition (for	m 101) is not correct	check (2) and fill	in the blan	ks.
	(1) The date and location of t		100 E9		
	(2) The date and location of t				
	The correct information i				
	The seriest information	0.4			
	Month	Day Year	City		State
R	Children				
٥.	Check all that are true				
	If you do not check one or more of t	hese boxes, explain ir	1 2I.		
	(1) There are no children und	ler the age of 18 who	are children of bo	oth Petition	er and Responde
	(2) There are no children und	der the age of 18 wh	o were adopted o	r born durii	ng this marriage.
	(3) There are no children 18	years of age or olde	r who still need su	ipport.	
	(4) Neither Petitioner nor Res	spondent is pregnan	t.		
C.	Petitioner's residence				
	(1) The only reason that Petition	ner (your spouse) is	s living in Iowa is	just to get	a divorce.
	○ True				
	False If you do not live in divorce, check "Fa		in Iowa for reasons	s other thar	i just to get a
	(2) If you disagree with paragraph	2C(2) of the Petition	(form 101), fill in	the blanks.	
	Petitioner has lived in Iowa for	or the last	years and	month	S
	În	county.			

 $Rule\ 17.100 - Form\ 115: Answer\ to\ Petition\ for\ Dissolution\ of\ Marriage\ with\ no\ Minor\ or\ Dependent\ Adult\ Children,\ continued$

D.	Parties' residence				
	Check each that is true				
	(1) Respondent (you are Respondent) is a resident of lowa.				
	(2) Petitioner (your spouse) has lived in lowa for more than one year.				
	If you did not check (1) or (2) , you should talk to an attorney.				
E.	Condition of the marriage				
	Check all that are true				
	(1) The marriage is broken and cannot be saved.				
	(2) This is the only divorce case going on in involving this marriage. If you did not check (2), explain in 2I. You should also talk to an attorney.				
	(3) Petitioner did not file the Petition in good faith for the purpose of ending the marriage.				
	(4) Counseling will not save the marriage. If counseling may save the marriage, do not check	(4).			
F	Respondent's status				
	Check each that is true				
	(1) Respondent (you are Respondent) is in the military service.				
	If you check (1), note that there are special rules that may prevent this dissolution from going forward if you are in the military. You should talk to an attorney.				
	(2) Respondent is in prison or jail at in Name of facility in				
	If you are in prison or jail, you may be entitled to a "guardian ad litem," a person, usually an attorney, appointed to protect the interests of a spouse in some cases.				
G.	Protective or no contact orders				
	Check one				
	(1) There is neither a "protective order" nor a "no contact order" between Respondent (you) are Petitioner (your spouse).	nd			
	(2) O There is a "protective order" or "no contact order" between Respondent and Petitioner.				
	If you check (2), fill in the following information:				
	a. County and state where the order came from: County State	_			
	County State				
	b. Court case number:				
Н.	Respondent denies anything in the Petition that Respondent has not agreed is correct	ŧ.			
l.	Other information:				

Rule 17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

Α.	Respondent asks the court to:
	Check all that apply. The court will only consider items that are checked. If you do not know what you want, talk to an attorney.
	(1) End the marriage of Respondent (you) and Petitioner (your spouse).
	(2) Fairly divide the property and the debts of the parties.
	(3) Order that Petitioner pay the court fees.
	(4) Order that Petitioner pay for Respondent's attorney's fees before the divorce is final If you check (4), you must file form 122.
	(5) Order that Petitioner pay spousal support (alimony) to Respondent.

(6) Change Respondent's last name to:

Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

Print your former or birth name

If you check (5), you must file form 122.

B. Other request:	
--------------------	--

3. Respondent's Request

 $Rule\ 17.100 — Form\ 115: Answer\ to\ Petition\ for\ Dissolution\ of\ Marriage\ with\ no\ Minor\ or\ Dependent\ Adult\ Children,\ continued$

4.	Attori Check of	ney Help						
	\sim		, did not h	oln ma prop	ara ar	fill in this paper.		
	$\tilde{}$			ne prepare o				
	D. ()		15	fill in the follow		, 8 16		
		Name of attor	ney or orgo	anization, if any	,	Attorney's P.I.N.	#-Ask the attorn	пеу
		Business addi	ress of attor	ney or organiza	ation	City	State	ZIP code
		() _ Attorney's ph	one numbe	r () _ ey 's fax	number – optional	Attorney's ema	il address – optional
5.	Servi	ce Instruct	ions				***	
	If Resp	oondent is fil	ing in par	per				
			t will acce	nt service of	docum	ents at the attorn	ov's address lis	sted above: or
	\simeq	P Barria Coalda				ents at the attorn		
	в. О	Respondent	viii acce	pt service or a	ocurre	into in this case a	tille mailing ac	diess below.
6.	Section	6 to be comple	ted only if j		r if the	livery other party is exem _l be served on registe		filing.
	1,	90 (** 2.7*2		5000	, certif	y that on		, 20
		SCHOOLS POSTS TRANSPORTER					3234 G 24 63	
	I maile	_	copy of the	nis Answer to	the o	ther party or the	other party's a	ttorney at this
	addies	55.						
	Name o	f person to who	om I deliver	ed or mailed it	<u> </u>			
	Party's	or attorney's n	nailing add	ress	City		State	ZIP code
7.	Oath	and Signat	ure					
	ĵ,	2002			, have	read this Answe	er, and I certify	under penalty
		your name	want to th	o loun of the	Ctoto	of lowa that the	information L	aaya prayidad
		Answer is tr			State	or lowa that the	miormation i	lave provided
	The same	Balkar WG		, 20	e 	62 VI 200		
	Signed	on: Month	Day	Year	Your	signature*		
	Mailing	address			City		State	ZIP code
	(<u></u>			F		4.1.1	:.:	
	* What	umber		Email address	and		itional email addr	15TH
			ning it and t	hen file electronic	cally	e your signature on th g this form on nex		jung electronically,
			importan	it motiuctions		g ans form on nex	r page.	

Instructions for Rule 17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

Do not file these instructions

Instructions for Filing an Answer to a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically
 file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented)</u>
 for eFiling on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you
 when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see How to eFile to an Existing Case.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where the Petition was filed. The county is listed at the top of the Petition (form 101).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, or mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you should serve the Answer by mailing a copy to the attorney at the attorney's address on the Petition if box 5B on the Petition is checked.

Do not file these instructions

Rule 17.100-Form 116: General Answer to a Petition

Respondent must file an Answer within 20 days after receiving the Petition and Original Notice, or the court may enter a judgment against Respondent giving Petitioner what he or she asked for in the Petition.

If the Petition you received is on form 101, use form 115 for your Answer.

Read the <u>Guide to Representing Yourself in an Iowa Divorce Case</u> on the Iowa Judicial Branch website before using this form.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111).
- If filing in paper, you may use form 111 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County where Petition is filed
Upon the Petition of	Equity case no
Petitioner Your spouse's full name: first, middle, last	General Answer to a Petition
and concerning	
Respondent Your full name: first, middle, last	

- 1. Respondent's Answer You are Respondent.
 - A. Respondent admits that the following paragraphs in the Petition are true:

List the numbers of the paragraphs in the Petition that you think are true. If you decide later that the paragraphs you list here are not true, it may be too late to change your answer.

- B. Respondent denies that the following paragraphs in the Petition are true:
- C. Respondent does not know whether the following paragraphs in the Petition are true: List the numbers of the paragraphs in the Petition that you are not sure about. If you cannot say a paragraph or a part of a paragraph is true or not true, it may be because you do not know how something, such as a date, place, or when something happened.

Rule 17.100-Form 116: General Answer to a Petition, continued

D.	Protective or no contact orders					
	Check one					
	(1) O There is neither a "protective order" nor a "no contact order" between Respondent (you) and Petitioner (your spouse).					
	(2) There is a "protective order" or "no contact order" between Respondent and Petitioner. If you check (2), fill in the following information:					
		a.	County and state where the order came from: County	State		
		b.	Court case number:			
E.	Respo	nde	nt denies anything in the Petition that is not admitted in this Answe	r.		
F.	Other information:					

2. Respondent's Request If you do not know what you want, talk to an attorney.

Respondent asks the court to: Write here what you would like the court to do. For example, tell the court if you want a divorce. Be brief. Do not write long descriptions.

Rule 17.100—Form 116: General Answer to a Petition, continued

3.	Attorney Help			
	Check one	20072 8070		
	A. An attorney did not help me prep		er.	
	B. An attorney helped me prepare o	7(29 425)		
	ij you check is, you masi jiu in ine jouor	ving information.		
	Name of attorney or organization, if any	Attorney's P.1	I.N. # - Ask the atto	rney
	Business address of attorney or organiza	ation City	State	ZIP code
		`		
	() (Attorney's phone number Attorn	ey's fax number – option	al Attorney's em	nail address – optional
4.	Service Instructions			
	If Respondent is filing in paper			
	Check one			
	A. Respondent will accept service of	documents at the a	ttorney's address	s listed above; or
	B. Respondent will accept service of	documents in this ca	se at the mailing	address below.
5.	Certification of Service by Mailing		3/5 / 5	
	Section 5 to be completed only if filing in paper of This document, if filed electronically, will automore			ic filing.
	THE SECOND STREET STREET AND A STREET STREET AND STREET AND STREET AND STREET AS A STREET	\$		20
	Print your name	, certify that on $\underline{\hspace{1cm}}_{Moi}$	nth Do	, 20 <u>Year</u>
	I mailed or gave a copy of this Answer to	the other party or t	the other party's	attorney at this
	address:			
	Name of person to whom I delivered or mailed it	-		
	<i>y F</i>			
	Party's or attorney's mailing address	City	State	ZIP code
6.	Oath and Signature			
	I,	, have read this An	swer, and I certif	y under penalty
	Print your name			9/ 9/
	of perjury and pursuant to the laws of the in this Answer is true and correct.	State of lowa that	the information I	have provided
	. 20			
	Signed on: Month Day Year	Your signatur	e*	
	Mailing address	City	State	ZIP code
	()			1
	Phone number Email address * Whether Gling electronically on its person your must be		Additional email add	
	* Whether filing electronically or in paper, you must h scan the form after signing it and then file electronic		on inis jorm. Ij you ar	e jung eiectronically,
	Important Instructions	for filing this form on	next page.	

Instructions for Rule 17.100-Form 116: General Answer to a Petition, continued

Do not file these instructions

Instructions for Filing an Answer to a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically file.
 For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (SelfRepresented) for eFiling</u> on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when
 you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see <u>How to eFile to an Existing Case</u>.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must
 mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where
 the Petition was filed. The county is listed at the top of the Petition (form 101).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, or mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you may serve the Petition by mailing a copy to the attorney at the
 attorney's address on the Petition if box 5B on the Petition is checked.

Do not file these instructions

November 2013 Instructions for Rule 17.100—Form 116

Page 1 of 1

[Court Order May 16, 2007; November 6, 2013]

Forms 117 to 121: Reserved

Rule 17.100—Form 122: Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children

Use this form if you want to ask the court to do something after your court case has already started.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County where your case is filed			
Upon the Petition of	Equity case no			
Petitioner Full name: first, middle, last	Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children			
and concerning				
Respondent Full name: first, middle, last				
	ou must tell the court why you are making this request in B.			
 (1) Change the hearing date that has been considered. (2) Order counseling (conciliation). (3) Set a hearing date for a divorce Decoration of the considered of th	Month Day Year cree by default. e divorce is final. o me before the divorce is final.			
B. I am making the request(s) in this Motio	n because:			

Page 2 of 2

 $Rule\ 17.100 — Form\ 122:\ Motion\ in\ a\ Dissolution\ of\ Marriage\ with\ no\ Minor\ or\ Dependent\ Adult\ Children,\ continued$

2.	Attorney Help Check one					
	9-20-20-20-20-20-20-20-20-20-20-20-20-20-	. In	E II : I II:			
	A. An attorney did not					
	B. An attorney helped If you check B, you mu					
	1) you eneed 15, you mu	si jili in ine jonon	ing information.			
	Name of attorney or or	ganization, if any	Attorney's	P.I.N. # – Ask	the attorne	ey
	Business address of att	orney or organiza	ution City		State	ZIP code
	550		2			
	()_ Attorney's phone numb	per Attorne) ey 's fax number – opti	ional Attor	ney 's emai.	l address – optiona
121			200 mg		501	•
3.	Certification of Service			, an amount forces	ala atronia	Glina
	Section 3 to be completed only in This document, if filed electronic					tung.
						20
	I,		, certify that on _ λ	10nth	$$ \overline{Day}	, 20 Year
	I mailed or gave a copy of				S. 16474.	
	Name of person to whom I deliv		- Tare			ZID SOLL
	Party's or attorney's mailing ac	ldress	City		State	ZIP code
4.	Oath and Signature					
	ſ,		, have read this M	lotion, and I	certify un	der penalty of
	Print your name					
	perjury and pursuant to the Motion is true and correct.	laws of the Sta	te of lowa that the	information	ı I ha∨e pr	ovided in this
	Wollott is true and correct.					
	Signed on: Month Day	, 20	Your signature*			
	Signed on: Month Day	Year	Your signature*			
	Mailing address	*	City		State	ZIP code
	()					
	Phone number	Email address		Additional e	email addre	SS – if available
	* Whether filing electronically or i	n paper, you must h	andwrite your signatu	re on this form.	If you are fi	ling electronically,
	scan the form after signing it and		CONTRACTOR CONTRACTOR AND THE CONTRACTOR OF THE			

Rule 17.100—Form 122

November 2013

Rule 17.100-Form 123: Response to a Motion

Use this form if your spouse has filed a Motion (most likely form 122) and you disagree with what your spouse is asking the court to do in that Motion.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for	County
9	County where your case is filed
Upon the Petition of	Equity case no
Petitioner Full name: first, middle, last	Response to a Motion
and concerning	
Respondent Full name: first, middle, last	
lam	
Check one	
A. O Petitioner	
B. Respondent	
1. Motion	
The other party filed a Motion on	20
Month	Day Year
2. Response	
Check A or B.	
A. O I agree with the Motion.	
B. O I disagree with the request(s) in the	Motion to:
If you check B, check all of the following the why you disagree with the request in C.	nat apply. If you check any box in B, you must tell the court
(1) Change the hearing date that h	as been set for, 20
(2) Order counseling (conciliation)	Month Day Year
(3) Set a hearing date for a divorce	
(4) Award my spouse attorney's fe	CONTINUES CONTIN
	y) to my spouse before the divorce is final.
(6) ☐ Shorten the 90-day waiting per	
(7) Other request. Explain	iou ioi gotting a divoloc beolec.
(1) Li ottier request. Explain	

Rule 17.100—Form 123: Response to a Motion, continued

C. I disagree with the Motion because:		

3. Attorney Help

Page 3 of 3

Rule 17.100-Form 123: Response to a Motion, continued

			Attorney's P.I.N.	# - Ask the atto	rney
	Business address of atto	rney or organiza	tion City	State	e ZIP code
	() Attorney's phone numbe	r (Attorne	y 's fax number – optiona	Attorney's	email address – op
Sect	rtification of Service ion 4 to be completed only if document, if filed electronic	filing in paper o	r if the other party is ex	-	onic filing.
L			certify that on		. 20
P_i	rint your name		Mon	th	Day Yea
Part	y's or attorney's mailing add	lress	City	State	e ZIP code
03	th and Cianatura		•		
02	th and Cianatura		•		
02			•		
Oat I, \overline{P}_{I} pen	th and Cianatura	ant to the laws	, have read this Res	sponse, and I	certify under
Oat I, ${Pi}$ pen and	th and Signature rint your name alty of perjury and pursu	ant to the laws ve provided in	, have read this Res	sponse, and I	certify under
Oat I, pen and	th and Signature rint your name alty of perjury and pursu that the information I ha	ant to the laws ve provided in	, have read this Res of the State of lowa it is true and correct	sponse, and I	certify under
Oat I, pen and	th and Signature rint your name lastly of perjury and pursuse that the information I have led on: Month Day	ant to the laws ve provided in	, have read this Resolution of the State of lowe it is true and correct Your signature* City	sponse, and I that I have re .	certify under ad this Respon

Rule 17.100—Form 123

November 2013

Caution: This form may require you to provide protected or sensitive information. Each party must complete one of these forms.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.
- If filing in paper, you may use form 111 to provide any protected information in full if you have not already done so.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

ij you do not undersama now to use this je	onn, or gyor	i sitoniu use iitis joi	m, aun to un attorney.	
In the Iowa District Court for		County where	your case is filed	County
Upon the Petition of		Equity ca	ase no.	
Petitioner Full name: first, middle, last			inancial Affidavit f issolution of Marri with no Minor oi	iage
and concerning		Dependent Adult Childre		
Respondent Full name: first, middle,	last	_1		
l am				
Check one				
A. O Petitioner				
B. Respondent				
		state that thi	s is a true and comple	ete statement
Print your name			**	
of my assets, debts, ar	nd present	income as of th	eday of	, 20
1. Assets Things you and your spor			Day Month	Year
	ise own.			
A. Real estate Attach additional sheets if neces	reary			
*Owner (Whose name is on the	1050	Petitioner $R = Re$	espondent $J = Joint (Both)$	1)
		Market value	Debt Total amount you	Net value
Type of real estate	Owner* P,R,J	What it would sell for	still owe on it and to whom owed	Market value minus debt owed
(1) Homestead Address				
		\$	\$ to:	\$
(2) Other real estate Address		\$	\$	¢.

Check this box if you have attached a sheet with additional information on other assets.

to:

B. Vehicles

Includes cars, trucks, motorcycles, and other motorized vehicles.

*Owner (Whose name is on the car or vehicle title?): P = Petitioner R = Respondent J = Joint (Both)

Vehicles Make (e.g. Ford) Year	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net Value Market value minus debt owed
(1)		\$	\$	\$
		Φ	to:	Φ
(2)		ď.	\$	•
		\$	to:	\$
(3)		6	\$	c c
		\$	to:	\$

Check this box if you have attached a sheet with additional information on other vehicles.

C. Securities, stocks, & bonds

*Owner (Whose name is on the securities, stocks, or bonds?):

P = Petitioner R = Respondent J = Joint (Both)

Securities, stocks, & bonds Company name	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1)		¢	\$	¢
(1)		\$	to:	\$
(2)			\$	\$
(2)		\$	to:	Φ
(3)		\$	\$	\$
(3)		Φ	to:	Φ

Check this box if you have attached a sheet with additional information on other securities, stocks, & bonds.

D. Life insurance

*Owner (Whose name is on the policy?): P = Petitioner R = Respondent J = Joint (Both)

Life insurance Company name	Owner*	Cash value Not death benefit	Loan from cash value Total amount still owed on loan	Cash value Minus loan owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

[☐] Check this box if you have attached a sheet with additional information on life insurance.

E. Bank accounts

*Owner (Whose name is on the checking or savings account?): P = Petitioner R = Respondent J = Joint (Both)

Checking & savings accounts Bank or Credit Union name If you do not use bank accounts, write "Cash"	Owner*	Cash value	Personal loans or overdraft accounts Total amount you still owe on it	Net value Cash value minus loan / overdraft owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

Check this box if you have attached a sheet with additional information on other checking & savings accounts.

F. Household

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Household contents Describe	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1) Furniture		•	\$	
a.		\$	to:	\$
Ь		c	\$	\$
b.	\$	Φ	to:	Φ
C.	\$	\$	c	
C.		\$	to:	\$
d.		0	\$	\$
	\$ 1	to:	Φ.	
(2) Appliances / Electronics			\$	•
a.		\$	to:	\$
(IE)		\$	\$	
b.		D D	to:	\$
		•	\$	
C.		\$	to:	\$
			\$	
d.		\$	to:	\$
(3) Other contents		•	\$	0
a.		\$	to:	\$

b.	\$	\$ to:	\$
C.	\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other household assets.

G. Retirement assets

*Owner (Whose name is on the retirement account?): P = Petitioner R = Respondent J = Joint (Both)

Retirement assets Examples: Pensions, IRAs, 401(k)s, annuities, etc.	Owner*	Market value What it would sell for	Loan from retirement account Total amount you still owe on it and to whom owed	Net value Market value minus loan owed
(1)		\$	\$	\$
C	510	0360 6	to:	\$P.5
(2)		\$	\$	\$
(2)			to:	Ψ
(2)			\$	
(3)		\$	to:	\$

Check this box if you have attached a sheet with additional information on other retirement assets.

H. Other assets

Items not listed in the other boxes should be listed here. For example: jewelry, furs, guns, sporting goods, farm animals.

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Other assets Describe	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1)		\$	\$	\$
8.7			to:	
(2)		· ·	\$	\$
(2)		\$	to:	Ψ
(3)		¢	\$	c
(3)		\$	to:	\$

Check this box if you have attached a sheet with additional information on other assets.

I. Totals

(1) Total from attached sheets	Listed in 1A-H.	\$
(2) Total net value of assets	Listed in 1A-H.	\$

2. Other Debts Debts may include things such as past due balances on utilities, money owed to a landlord for damages after moving, credit card debt, and loans from friends, family, or banks.

*Whose debt is it? P = Petitioner R = Respondent J = Joint (Both)

Other debts List only those not included as "debt" or "loans" under "Assets" in part 1.	Whose debt?*	Amount owed
(1)		\$
(2)		\$
(3)		\$
(4)		\$
(5)		\$
(6)		\$
(7)		\$
(8)		\$
(9)		\$
(10)		\$
(11)		\$
(12)		\$
(13)		\$
(14)	*	\$
(15)		\$
Check this box if you have attached a sheet with additional information on other debts, and enter the total.		\$
Total other debts Including amounts shown on attached sheet, if any.		\$

3. Income and Deductions

A. Petitioner's Income and Deductions If you are Respondent, give your best estimate for each amount.

*How often is income paid or deduction taken?

 $W = Weekly \ B = Bi$ -weekly (every other week) $M = Monthly \ T = Two \ times \ a \ month$

Comput in some and deducations	In	come	Ded	uctions
Current income and deductions for Petitioner Sources of income and deductions	How often paid?* W,B,M,T	Gross amount Before deductions	How often taken?* W,B,M,T	Amount of deduction
(1) Wages from employer Employer name: Job title:		\$		\$
(2) Wages from employer Employer name: Job title:		\$		\$
(3) Unemployment assistance		\$		\$
(4) Family Investment Program		\$		\$
(5) Social Security		\$		\$
(6) Other Identify:		\$		\$
(7) Other <i>Identify:</i>		\$		\$
(8) Other Identify:		\$		\$
(9) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Petitioner's income and deductions.		\$		\$
Totals Current income and deductions for Petitioner		\$ Income total		\$ Deductions total

B. Respondent's Income and Deductions If you are Petitioner, give your best estimate for each amount. *How often is income paid or deduction taken?

 $W = Weekly \ B = Bi\text{-weekly (every other week)} \ M = Monthly \ T = Two times a month$

	In	come	Ded	uctions
Current income and deductions for Respondent Sources of income and deductions	How often paid?* W,B,M,T	Gross amount Before deductions	How often taken?* W,B,M,T	Amount of deduction
(1) Wages from employer Employer name: Job title:		\$		\$
(2) Wages from employer Employer name: Job title:		\$		\$
(3) Unemployment assistance		\$		\$
(4) Family Investment Program		\$		\$
(5) Social Security		\$		\$
(6) Other <i>Identify:</i>		\$)	\$
(7) Other <i>Identify:</i>		\$		\$
(8) Other Identify:		\$		\$
(9) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Respondent's income and deductions.		\$		\$
Totals Current income and deductions for Respondent		\$ Income total		\$ Deductions total

4. Expenses

A. Living arrangements

Check	one
(1)	My spouse and I live in the same home.
(2)	My spouse and I do not live in the same home

B. My expenses

Note: You must complete this section if you or your spouse wants spousal support (alimony). *How often paid?: $W = Weekly \ B = Bi$ -weekly (every other week) M = Monthly T = Two times a month A = Annually

Type of expense	Paid to	How often paid?* W,B,M,T,A	Monthly payment
(1) House payment or rent			\$
(2) Food At home & restaurants			\$
(3) Transportation (gas, bus fare) Not car loan payments – see (12).			\$
(4) Clothing			\$
(5) Medical, dental Not health insurance payments – see 4B(10).			\$
(6) Utilities (gas, electric)			\$
(7) Phone			\$
(8) Cable / satellite television / internet			\$
(9) Car insurance payment			\$
(10) Health insurance payment			\$
(11) Credit card payments			\$
(12) Car loan payments			\$
(13) Other loan payments			\$
(14) Other expense Identify:			\$
(15) Other expense Identify:			\$
(16) Other expense Identify:			\$
(17) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on your expenses.			\$
Total expenses			\$

Page 9 of 9

 $Rule\ 17.100 — Form\ 124: \textit{Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children,} \ continued$

5.	Attorney Help Check one								
	A. O An attorney did not help me prepare or fill in this paper.								
	B. O An attorney		12/ 1/2/		V-2 /				
	If you check B				(A) (B)				
	19-								
	Name of attorn	ney or organi	ization, if any	, a	Attorney's P.I.N	I. # − Ask	the attor	ney	
	Business addr	ess of attorne	ey or organiza	ation (City		State	ZIP code	
	()		()					
	Attorney's pho	ne number	Attorne	ey 's fax n	umber – optional	Attori	ney's emo	ril address – optiona	
о.	Section 6 to be complet This document, if filed	ed only if fili	ng in paper o	r if the ot	her party is exe	2 N2		filing.	
	T ₋			certify	that on			20	
	Print your name			, 0011119	that on	h	Day	y Year	
	Name of person to who. Party's or attorney's m			City			State	ZIP code	
_	389	-	,,,	City			State	211 0000	
7.	Oath and Signat								
	I,			, have r	ead this Fina	ncial Aff	idavit, a	nd I certify	
	under penalty of pe	riury and pi	ursuant to th	ne laws	of the State o	f lowa th	at I have	e read this	
	Financial Affidavit ar								
		3	, 20	0.70					
	Signed on: Month	Day	, 20 <u> </u>	Your si	gnature*				
	Mailing address			City			State	ZIP code	
	()		19520 32013			212000 21	ran sava		
	Phone number	En	nail address		Ac	lditional e	mail add	ress – if available	
	* Whether filing electron scan the form after sign				our signature on	this form.	If you are	filing electronically,	

Rule 17.100—Form 124

November 2013

Rule 17.100-Form 125: Affidavit of Mailing Notice

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County where your case is filed		
Upon the Petition of	Equity case no	Mailing	Notice
Petitioner Full name: first, middle, last	Amauvitor	Maining	Wollec
and concerning			
Respondent Full name: first, middle, last			
 Attorney Help Check one A. An attorney did not help me prepare or B. An attorney helped me prepare or fill in If you check B, you must fill in the following in 	this paper.		
Name of attorney or organization, if any	Attorney's P.I.N. $\# -A$	sk the attor	ney
Business address of attorney or organization	City	State	ZIP code
Attorney's phone number Attorney's fac	x number - optional Atto	orney's ema	iil address – optional

Important Notice to Petitioner

Petitioner **must** file this if he or she served Notice by Publication in a newspaper and asks the court for a divorce Decree by default. Petitioner **must** also complete the oath and signature section on the next page.

Petitioner's Oath and Signature on next page

Rule 17.100-Form 125: Affidavit of Mailing Notice, continued

Petitioner's Oath and Signature								
1,	, certify under pena	alty of perjury and	oursuant to th					
Print your name								
laws of the State of Iowa that on	the day of	, 20, I se	ent by ordina					
mail with proper postage, the foll		104,						
Check one								
Original Notice and Petition f	for Dissolution of Marriago	\r						
~								
Notice of Intent to File a Writt	ten Application for Default D)ecree						
to Decreadent's last known add	NAME AND DESCRIPTION OF THE PROPERTY OF THE PR							
to Kespondeni s iasi-known addi	ress as follows:							
to Respondent's last-known addi	ress as follows:							
Respondent's street address	ress as follows: ———————————————————————————————————	State	ZIP code					
		State	ZIP code					
Respondent's street address	City 0	(200	ZIP code					
Respondent's street address	City	(2000)	ZIP code					
Respondent's street address	City 0	(2000)	ZIP code					
Respondent's street address Signed on: Month Day, 20	City O Year Petitioner's signat	ture*						

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.100—Form 126: Notice of Intent to File Written Application for Default Decree

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court		ounty where your case is filed		County
		Tunty where your case is fixed		
Upon the Petition of		Equity case no.		
Petitioner Full name: first, middle, la	ast	Notice of Intent Application for		
and concerning				
Respondent Full name: first, mid	ldle, last			
То:	22 8	× -		
To:	Middle name	Last name		
Date of Notice:	, 2	20		
Month	, 2	Year		
	Important Notice	to Respondent:		
	ou should seek le	gal advice at once.		
Handwritten signature of Petitioner of filing in paper	or attorney or	Electronic signature of Po if filing electronically	etitioner or	Attorney
The person who provided the signatu	are above must fill in the	he information below.		
Present street address (If attorne	ey, firm address)	City	State	ZIP code
() Phone number	Email addre	ess	5	
Instructions for Petitioner				
☐ Filing your Notice electr	ronically			
EDMS will automatically so filing requirements.	erve Respondent unles	s Respondent is exempt from e	lectronic	
Filing your Notice in pa	per (if you have recei	ived permission from the court	to file in pa	nper)
 Deliver a copy of this fo Complete form 125 and File the original of this f Keep a copy for your rec 	file the original at the form (126) at the clerk	clerk of court's office.		
November 2013	Rule 17.1	00—Form 126		Page 1 of 1

Rule 17.100—Form 127: Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children

Caution: This form may require you to provide protected or sensitive information.

Use this form only if you have filed a Petition for Dissolution of Marriage (101) and:

- Your spouse (Respondent) did not file an Answer, or
- Your spouse will not work with you to prepare a Settlement Agreement (128).
 - [4] If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.
 - [in paper, you may use form 111 to provide any protected information in full if you have not already done so.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

n the Iowa District Court for	County where your cas	se is filed	County
Upon the Petition of	Equity case no).	
Petitioner Full name: first, middle, last	of Marria	r Relief in a age with no dent Adult	
and concerning	Jopani		•a. •
Respondent Full name: first, middle, last			
 Personal Information Fill in all inform and you fear for your safety, you may leave your I am Check one 			uuea oy your spouse
and you fear for your safety, you may leave your	address, phone number, ar		uuea oy your spouse
and you fear for your safety, you may leave your I am Check one A. Petitioner B. Respondent	address, phone number, an		ZIP code
and you fear for your safety, you may leave your I am Check one A. Petitioner B. Respondent (1) Petitioner's birth year and present Petitioner's present street address	nt residence:	nd email blank.	ZIP code
and you fear for your safety, you may leave your I am Check one A. Petitioner B. Respondent (1) Petitioner's birth year and present	nt residence: Birth year City City Phone number	nd email blank. State Email a	ZIP code
I am Check one A. O Petitioner B. O Respondent (1) Petitioner's birth year and present Petitioner's present street address County	nt residence: Birth year City Phone number Sent residence:	nd email blank. State Email a	ZIP code

 $Rule\ 17.100 - Form\ 127: \textit{Request for Relief in a Dissolution of Marriage with no \textit{Minor or Dependent Adult Children}, continued and the property of the$

2.	Re	quest	for Relief
	A.	Childre	en Check all that are true
		(1)	There are no children under the age of 18 who are children of both Petitioner and Respondent.
		(2)	There are no children under the age of 18 who were adopted or born during this marriage.
		(3)	There are no children 18 years of age or older who still need support.
		(4)	Neither Petitioner nor Respondent is pregnant.
	В.	Break	down of marriage
		The ma	rriage is broken down and cannot be saved.
	C.	Couns	seling
		Counse	ling will not save the marriage.
	D.	Waiting	g period before decree Check one
		(1)	More than 90 days have passed since Respondent was served with an Original Notice.
		(2) 🔿	Fewer than 90 days have passed since Respondent was served with an Original Notice, but I want the court to take action right away without a separate hearing. There are no children affected by this action. Neither Petitioner nor Respondent is pregnant. This paper explains how I would like to settle all issues in my divorce.
	E.	Financ	ial affidavits Check one
		(1) 🔿	I filed a Financial Affidavit (124). I certify that I have fully disclosed all income and the identity and value of all assets and debts.
		(2) 🔿	I am asking that the court not require me to file a Financial Affidavit. Explain
	F.	Divisio	n of personal property Check one
		(1) 🔿	All of the personal property obtained during the marriage has been divided. I ask that Petitioner will keep the personal property in Petitioner's possession, and Respondent will keep the personal property in Respondent's possession. If you check (1) , skip to G .
		(2) O	I ask that our personal property be divided as follows: Attach additional sheets if necessary.
		a.	Petitioner will get the following as Petitioner's separate personal property:
		b.	Respondent will get the following as Respondent's separate personal property:

still owed

\$

\$

any Last 4 numbers only

 $Rule\ 17.100 — Form\ 127: \textit{Request for Relief in a Dissolution of Marriage with no \textit{Minor or Dependent Adult Children}, continued and the property of the$

G.	G. Division of real estate					
	For each parcel of real estate you own, provide the following information. Attach a separate sheet for each additional parcel.					
	The second contracts	vnership of real estate eck one				
			<i>T.C.</i>	ala ala a alaman II		
	a.	We do not own any real estate.				
	b.	We own real estate located at:	Street	address		
		in the City of		_, County of		and
		State of	. This I	and is described in the deed	as follows:	
	(2) Th	e real estate shall be:				
	Ch	eck one				
	a.	Sold and the profit or debt divid	ded	% to Petitioner and _	%	
	h	to Respondent.	to all lie	one and mortgages		
	b.	Awarded to Petitioner, subject to				
	C.	Awarded to Respondent, subject	ct to ai	rilens and mortgages.		
	d.	Other Explain				
	(3) 44	Iditional real estate				
	5 6	Check this box if you are attaching sep	avata s	leasts for additional navals of	and actata	
ы		on of debts	ouraie si	reets for additional parcets of r	eai esiaie.	
п.	Check of					
		There are no debts.				
	(2)	I have listed all the debts I know ab	nout an	d ask that they be divided as	follows:	
	(2)	Attach additional sheets if necessary.	out un	a don trial tries be divided as	10110110.	
	a.	Petitioner will pay the following deb	ots:			
	[i	Rusiness or person to whom		ii Account number if	iii Total ame	ount

a debt is owed

(a)

(b)

 $Rule\ 17.100 - Form\ 127: \textit{Request for Relief in a Dissolution of Marriage with no \textit{Minor or Dependent Adult Children}, continued and the property of the$

		(c)					\$
		(d)					\$
		(e)					\$
		Petitioner's deb	if you are attaching a se ots. will pay the following		t listing additio	nal informatior	ı about
		i. Business or a debt is owe	person to whom ed	ii	. Account no any Last 4 n		iii. Total amount still owed
		(a)					\$
		(b)					\$
		(c)					\$
		(d)					\$
		(e)					\$
J.	(1) (2) (3)	sh payment sk that eck one Neither Petitio Petitioner pay and debts by	oner nor Respondent Respondent \$ Month Day Petitioner \$ Month	pay any r	noney to the to e	other. qualize the d	ivision of property
J.	Che as (1)	eck one sk that: Neither Petitio	imony) oner nor Respondent oort (alimony) be paid				e other.

3.

 $Rule\ 17.100 — Form\ 127: \textit{Request for Relief in a Dissolution of Marriage with no \textit{Minor or Dependent Adult Children}, continued and the property of the$

K.	Name change Check one	
	l ask that my last name	
	(1) Not be changed.	
	(2) Be changed to:	Name can only be changed to
	Print your former or birth name	name on birth certificate or name
Ĺ.	Court fees	used immediately prior to the marriage.
	Check one	
	I ask that	
	(1) Petitioner will pay all court fees.	
	(2) Respondent will pay all court fees.	
	(3) Petitioner and Respondent shall each pay one-half of	the remaining court fees.
	(4) Petitioner and Respondent shall each pay one-half of	, OTT
N 4	0	
IVI.	Attorney's fees Check one	
	(1) \(\int\) I have no attorney's fees.	
	(2) I will pay my own attorney's fees.	
	(3) I ask that my spouse pay me \$ for a	ttornev's fees
un-		ttorriey o reco.
N.	Necessary documents	
	I ask that the court require each of us to sign and deliver to ea needed to carry out the terms of the Decree.	ch other any papers that may be
Ο.	Other request for relief Attach additional sheets if necessary	
C4.		
	tements of understanding and fact ck all that apply	
	☐ I have made a full disclosure of my property and deb	ts to the court
	This request for relief addresses all issues in my divo	
C.	I want the court to approve this request for relief and	make it part of the final Decree.
	Continued on next page	

4. Attorney Help

 $Rule\ 17.100 — Form\ 127: \textit{Request for Relief in a Dissolution of Marriage with no \textit{Minor or Dependent Adult Children}, continued and the property of the$

A. (B. (An attorney did not he An attorney helped me				
D . (If you check B, you must fil	1011			
		1355 3560 1356			
	Name of attorney or organi	ization, if any	Attorney's P.I.N.	# - Ask the attorn	ney
	Business address of attorne	ry or organization	City	State	ZIP code
	()_ Attorney's phone number	().	7		.1 11
	Attorney's phone number	Attorney's fac	c number – optional	Attorney's ema	il address – optiona
	s document, if filed electronically rint your name	***			, 20
	<i>rint your name</i> ailed or gave a copy of this			.60	
Pari	tu's or attornev's mailing addres	City		State	7IP code
	ty's or attomey's mailing addre: th and Signature	City		State	ZIP code
5. Oa	th and Signature	3 con			2000
i. Oat $I, \frac{1}{P^i}$	th and Signature	, have	e read this Requ	est, and I certify	y under penalty
6. Oat $I, {P_I}$ of p	th and Signature rint your name perjury and pursuant to the	have	e read this Requ	est, and I certify	y under penalty
6. Oat I, $\frac{1}{Pi}$ of p in the	th and Signature rint your name perjury and pursuant to the his Request is true and cor	, have laws of the State rect.	e read this Requ	est, and I certify	y under penalty
6. Oat I, $\frac{1}{Pi}$ of p in the	th and Signature rint your name perjury and pursuant to the	have	e read this Requ	est, and I certify	y under penalty
I, $\frac{1}{P_i}$ of p in the	th and Signature rint your name perjury and pursuant to the his Request is true and cor	, have laws of the State rect.	e read this Reque e of lowa that the Your signature*	est, and I certify	y under penalt
S. Oat I, $\frac{1}{Pi}$ of p in the Sign	th and Signature rint your name perjury and pursuant to the his Request is true and cormed on: Month Day ling address	laws of the State rect.	e read this Requeste of lowa that the Your signature*	est, and I certify information I h	y under penalty nave provided ZIP code
I,	th and Signature rint your name perjury and pursuant to the his Request is true and core and on: Month Day ling address ne number En	laws of the State rect, 20	e read this Requeste of lowa that the Vour signature*	est, and I certify information I h State	y under penalty nave provided ZIP code ess, if applicable
I,	th and Signature rint your name perjury and pursuant to the his Request is true and cormed on: Month Day ling address	, have laws of the State rect, 20	e read this Requeste of lowa that the Vour signature*	est, and I certify information I h State	y under penalty nave provided ZIP code ess, if applicable
I,	th and Signature rint your name perjury and pursuant to the his Request is true and cormed on: Month Day ling address ne number En	, have laws of the State rect, 20	e read this Requeste of lowa that the Vour signature*	est, and I certify information I h State	y under penalty nave provided ZIP code ess, if applicable
I, Prior Sign Main (Phoor	th and Signature rint your name perjury and pursuant to the his Request is true and cormed on: Month Day ling address ne number En	, have laws of the State rect, 20	e read this Requeste of lowa that the Vour signature*	est, and I certify information I h State	y under penalty nave provided ZIP code ess, if applicable

Rule 17.100—Form 128 Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children

Caution: This form may require you to provide protected or confidential information.

Use this form only if you and your spouse both agree to the terms of a settlement agreement.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.
- If filing in paper, you may use form 111 to provide any protected information in full.

Do not use this form if:

- · You and your spouse have children under the age of 18, or
- You and your spouse have children 18 years of age or older who still need support.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the	e lowa District Court for	Cor	unty where your case	is filed	County
Upo	n the Petition of		Equity case no	s a	
	tioner Full name: first, middle, last		Settleme Dissolutio Minor or Dep		ge with no
v.	concerning pondent Full name: first, middle, last				
an	ersonal Information Fill in all in d you fear for your safety, you may leave Petitioner's birth year and present Petitioner's present street address	your addre	ss, phone number, an		ulted by your spouse ZIP code
В.	County Respondent's birth year and pre	Phone r) number dence: Birth year	Email a	ddress
	Respondent's present street address	- City	5	State	ZIP code
	County	Phone r) number	Email a	ddress

2. Agreements

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued

We	e agree to the following:
A.	Children Check all that are true
	(1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
	(2) There are no children under the age of 18 who were adopted or born during this marriage.
	(3) There are no children 18 years of age or older who still need support.
	(4) Neither Petitioner nor Respondent is pregnant.
B.	Breakdown of marriage
	The marriage is broken down and cannot be saved.
C.	Counseling
_	Counseling will not save the marriage.
D.	Waiting period before decree Check one
	(1) More than 90 days have passed since Respondent was served with an Original Notice.
	(2) Fewer than 90 days have passed since Respondent was served with an Original Notice, but we want the court to take action right away without a separate hearing. We have no children affected by this action. Neither Petitioner nor Respondent is pregnant. This paper explains how we would like to settle all issues in our divorce.
E.	Financial affidavits Check one
	(1) Petitioner or Respondent has filed a Financial Affidavit (124).
	If you check (1), check a and/or b.
	 a. Detitioner has filed a Financial Affidavit. Petitioner certifies that Petitioner has fully disclosed all income and the identity and value of all assets and debts.
	b. Respondent has filed a Financial Affidavit. Respondent certifies that Respondent
	has fully disclosed all income and the identity and value of all assets and debts.
	(2) We are asking that the court not require us to file Financial Affidavits because: Explain
_	B
F.	Division of personal property Check one
	(1) We have divided our personal property. Petitioner will keep the personal property in
	Petitioner's possession. Respondent will keep the personal property in Respondent's possession.
	If you check (1), skip to G.
	(2) Our personal property will be divided as follows: Attach additional sheets if necessary.
	a. Petitioner will get the following as Petitioner's separate personal property:

le 17.1	00—Form	128: Settlement Agreement for a Dissolution of	of Marriage with no Minor or Dependent Adult Children, continued	
	b.	Respondent will get the following	g as Respondent's separate personal property:	
G.	Divisio	n of real estate		
		h parcel of real estate you own, prov a separate sheet for each additional p		
		nership of real estate		
	a.	We do not own any real esta	ate. If you check a, skip to H.	
	b.	We own real estate located	at:	
		in the City of	, County of	_, and
		State of	This land is described in the deed as follows:	
		<u> </u>		
		P		
		-		
		a .		
	2 1	e real estate shall be:		
	a.		ivided% to Petitioner and%	
	b.	Awarded to Petitioner, subje	ect to all liens and mortgages.	
	C.	Awarded to Respondent, su	bject to all liens and mortgages.	
	d.	Other Explain		
		ditional real estate		
		Check this box if you are attaching	separate sheets for additional parcels of real estate.	
Н.	Divisio	n of debts		
	Check o			
	(1)	There are no debts.		7
	(2) 🔾	We have listed all the debts that Attach additional sheets if necessar	we know about and ask that they be divided as fo y .	llows:

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued

a. Petitioner will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Petitioner's debts.

b. Respondent will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Respondent's debts.

c. For any debt we do not know about, the spouse who made the debt will pay that debt.

I. Cash payment

W	0	as	1	th	ot
vv	$\overline{}$	as	N	ш	αL

Check one

(1)	Neither Petitioner nor Respondent pay any money to the other.
0.00	

(2) Petitioner pay Respondent \$ and debts by		to equalize the division of property
Month	Day	, 20
(3) Respondent pay Petitioner \$		to equalize the division of property

and debts by

Month

Day

Year

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued

J.	the Control of the Co										
	Check one										
	We ask that:										
	(1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other.										
	(2) Petitioner pay spousal support (alimony) to Respondent as follows:										
	-										
	(3) Respondent pay spousal support (alimony) to Petitioner as follows:										
	-										
	-	-									
K.	Name change										
	Check one										
	We ask that										
	(1) Petitioner's name										
	a. Not be changed.										
	b. O Be changed to:	Name can only be changed to name on birth certificate or name used immediately prior to the marriage.									
	Print Petitioner's former or birth name	immediately prior to the marriage.									
	(2) Respondent's name										
	a. O Not be changed.										
	b. O Be changed to:	Name can only be changed to									
		name on birth certificate or name used immediately prior to the marriage.									
	Print Respondent's former or birth name	ammediately prior to the man rage.									
L.	Court fees										
	Check one										
	We ask that										
	(1) Petitioner will pay all court fees.										
	(2) Respondent will pay all court fees.										
	(3) Petitioner and Respondent shall each pay one-half of the remaining court fees.										
	(4) Petitioner and Respondent shall each pay one-half of the total court fees.										

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued

Μ.	Attorney's fees							
	(1) Petitioner's attorney's fees							
	Check one							
	a. O Petitioner has no attorney's fees.							
	b. O Petitioner will pay Petitioner's attorney's fees.							
	c. Respondent will pay \$ for Petitioner's attorney's fees.							
	2) Respondent's attorney's fees							
	Check one							
	a. Respondent has no attorney's fees.							
	b. Respondent will pay Respondent's attorney's fees.							
	c. O Petitioner will pay \$ for Respondent's attorney's fees.							
N.	Necessary documents							
	We will sign and promptly deliver to each other any papers that may be needed to carry out this Settlement Agreement.							
Ο.	Other agreements							
	Attach additional sheets if necessary.							

4.

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued

3.	Attorney Help Check one											
	A.	Petitioner										
		(1) An attorney di										
		1001 51 1000	47	81 10	58 78							
		(2) An attorney helped me prepare or fill in this paper. If you check (2), you must fill in the following information:										
		Name of attorney or	organization	, if any	Attorney's P.I.N.	ey						
		Business address of	attorney or o	rganization	City	State	ZIP code					
		()	voes • contrate	()_	number – optional	S THE STREET	sa consulations of the					
	D	Attorney's phone mu	mber	Attorney's fax	: number – optional	Attorney's ema	il address – optional					
	В.	Respondent			P0 5 11 5							
		(1) An attorney di	85	75 167	51 FA							
		(2) An attorney he If you check (2)										
		Name of attorney or	organization	, if any	Attorney's P.I.N.	#-Ask the attorn	ey					
		Business address of	attorney or o	rganization	City	State	ZIP code					
		()		()								
		Attorney's phone nu	Attorney's ema	il address – optional								
4.	Oaths and Signatures											
	This Settlement Agreement addresses all issues in our divorce. We have made a full disclosure of our											
	property and debts to each other. We want the court to approve this agreement and make it a part of the											
	final Decree.											
	Α.	Petitioner's Oath and	Signature									
	I,, certify under penalty of perjury and pursuant to the Print your name											
		laws of the State of Iowa	that I have re	ad this Settler	ment Agreement and	I it accurately state	es how I would					
		like the court to address										
	Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court.											
		1		20								
		Month	Day '	Year	Petitioner's signa	ture*	· · · · · · · · · · · · · · · · · · ·					
		Mailing address		City		State	ZIP code					
		()		va a e		w 4000	n a z 2005					
		Phone number		iil address		lditional email ad	125					
		* Whether filing electronic electronically, scan the f		200	55 10776	on this form. If you	are filing					
		secon concarry, some me j	or as agree orgini									
		Continued on next page										

Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children, continued B. Respondent's Oath and Signature , certify under penalty of perjury and pursuant to the Print your name laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court. Month Respondent's signature* Mailing address City State ZIP code Email address Additional email address - if available

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rules 17.101 to 17.199 Reserved.

Rule 17.200 Family law forms for dissolution of marriage with dependent children. The following forms are for use in dissolution of marriage (divorce) actions with children under the age of 18 who are children of both spouses to the marriage, or children under the age of 18 who were adopted or born during the marriage, or children 18 years of age or older who are children of both spouses to the marriage and are dependent or still need support. These forms must also be used if a spouse of the marriage is pregnant.

Form 201: Petition for Dissolution of Marriage with Children

Form 202: Petition Cover Sheet for a Dissolution of Marriage with Children

Form 203: Confidential Information Form

Form 204: Original Notice for Personal Service
Form 204a: Original Notice for Personal Service

Form 205: Acceptance of Service

Form 206: Directions for Service of Original Notice
Form 207: Motion and Affidavit to Serve by Publication

Form 208: Original Notice by Publication

Form 209: Application and Affidavit to Defer Payment of Costs

Form 210: Affidavit of Service of Original Notice and Petition for Dissolution of

Marriage

Form 211: Protected Information Disclosure
Form 212: Joint Statement on Legal Parent
Form 213: Motion to Disestablish Legal Parent

Form 214: Reserved

Form 215: Answer to Petition for Dissolution of Marriage with Children

Form 216: General Answer to a Petition for Dissolution of Marriage with Children

Forms 217 to 220: Reserved

Form 221: Affidavit for Temporary Custody and Visitation
Form 222: Motion in a Dissolution of Marriage with Children

Form 223: Response to a Motion

Form 224: Financial Affidavit for a Dissolution of Marriage with Children

Form 225: Affidavit of Mailing Notice

Form 226: Notice of Intent to File Written Application for Default Decree

Form 227: Request for Relief in a Dissolution of Marriage with Children

Form 228: Settlement Agreement for a Dissolution of Marriage with Children

Form 229: Agreed Parenting Plan
Form 230: Proposed Parenting Plan

Forms 231 to 300: Reserved

[Court Order December 19, 2013; March 26, 2014]

Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children

Read the Guide to Representing Yourself in an Iowa Divorce Case with Children on the Iowa Judicial Branch website before using this form.

Petitioner: Use this form only if your spouse lives in Iowa or you have lived in Iowa for the last year before you file the Petition, and one or more of the following are true:

- There are children under age 18 who are children of both Petitioner and Respondent.
- There are children under age 18 who were born or adopted during this marriage.
- There are children over age 18 who still need support.
- · A spouse is pregnant.

Do not use this form if all of these are true (instead, use form 201):

- You and your spouse do not have children under age 18.
- . You and your spouse do not have children age 18 or over who still need support.
- · A spouse is not pregnant.
- If filing electronically, you must provide any protected information in full on form 211.
- If filing in paper, you may use form 211 to provide any protected information in full.

In the Iowa District Court		ty where you are filing this Petition County				
n Re the Marriage of:						
our current legal name		Your spouse's current legal name				
pon the Petition of						
	F	For clerk's use only				
etitioner Full name: first, middle, last ne spouse who files the Petition nd concerning		Petition for Dissolution of Marriage with Children				
	<u>_</u> ;					
e other spouse	we your street a	ddress, phone num	ber, and email l			
. Personal Information Fill in all and you fear for your safety, you may lea	we your street a	ddress, phone num	ber, and email l			

December 2013 Rule 17.200-Form 201 Page 1 of 7 Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children, continued

				Birth y	rear		
	Respondent's present street	address	City	State	ZIP code		
	County		() Phone number	Email.	address		
	County		rnone number	Eman	auaress		
C.	Other person, if any, w Fill in as much information	rights of the parties	children:				
	Full name: first, middle, las	st					
	Present street address		City	State	ZIP code		
	~		()		atta ad ad anno sano		
	County		Phone number	Email	address		
Ge	eneral Information Al	out the Ma	arriage and t	he Parties			
A.	Date and location of the	e marriage	entropy of the set the set of the				
	Month Da	y Year	City	,	State		
В	Children						
177510	Check all that are true						
	(1) There are children under age 18 who are children of both Petitioner and Respondent.						
		rander age re	wno are childre	n of both Petitioner and	Respondent.		
	1 5	n under age 1	18 who were add	opted or born during thi	s marriage.		
	1 5	n under age 1	18 who were add		s marriage.		
	This includes any o	en under age 1 child born to a	18 who were add spouse during the	opted or born during thi marriage, but for whom	s marriage.		
	This includes any of a parent.	en under age 1 child born to a c en 18 years or	18 who were add spouse during the older who still n	opted or born during thi marriage, but for whom	s marriage.		
C.	This includes any of a parent. (3) ☐ There are children	en under age 1 child born to a c en 18 years or pondent is pre	18 who were add spouse during the older who still n	opted or born during thi marriage, but for whom	s marriage.		
C.	This includes any of a parent. (3) ☐ There are childre (4) ☐ Petitioner or Res	en under age 1 child born to a c en 18 years or pondent is pre	18 who were add spouse during the older who still n egnant.	opted or born during thi marriage, but for whom	s marriage.		
C.	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last	en under age 1 child born to a c en 18 years or pondent is pre n	18 who were add spouse during the older who still n egnant.	opted or born during this marriage, but for whom need support. First, middle, & last	s marriage. the other spouse is		
C.	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child	en under age 1 child born to a c en 18 years or pondent is pre n	18 who were add spouse during the older who still n egnant.	ppted or born during this marriage, but for whom need support. First, middle, & last initials of each child	s marriage. the other spouse is		
C.	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child (1)	en under age 1 child born to a c en 18 years or pondent is pre n	18 who were add spouse during the older who still n egnant.	ppted or born during this marriage, but for whom need support. First, middle, & last initials of each child	s marriage. the other spouse is		
C.	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child (1) (2) (3)	en under age 1 child born to a cen 18 years or pondent is pre	18 who were add spouse during the older who still negnant.	ppted or born during this marriage, but for whom need support. First, middle, & last initials of each child (4) (5)	s marriage. the other spouse is		
	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child (1) (2) (3)	en under age 1 child born to a cen 18 years or pondent is pre n Birth year	18 who were add spouse during the older who still negnant.	popted or born during this marriage, but for whom need support. First, middle, & last initials of each child (4) (5) (6)	s marriage. the other spouse is		
	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child (1) (2) (3) Check this box if you have	en under age 1 child born to a	18 who were add spouse during the older who still negnant.	popted or born during this marriage, but for whom need support. First, middle, & last initials of each child (4) (5) (6) ting additional children. e years and the parent.	s marriage. the other spouse is Birth year		
	This includes any of a parent. (3) There are childred (4) Petitioner or Res Identification of childred First, middle, & last initials of each child (1) (2) (3) Check this box if you have children's living arrange Places where the children	en under age 1 child born to a	18 who were add spouse during the older who still negnant.	popted or born during this marriage, but for whom need support. First, middle, & last initials of each child (4) (5) (6) ting additional children. e years and the parent.	s marriage. the other spouse is Birth year		

Rule 17.200-Form 201: Petition for Dissolution of Marriage with Children, continued

Lived with Adult name City State (2) Children: Initials Initials Initials Initials Initials Lived with Adult name State (3) Children: Initials Initials Initials Initials Initials Lived with Adult name State City (4) Children: Initials Initials Initials Initials Initials Lived with Adult name At City State (5) Children: Initials Initials Initials Initials Initials Lived with from mm Adult name State ☐ Check this box if you have attached a separate sheet listing additional children. If the children have been in Iowa for less than six months, you may be able to get a divorce, but you might not be able to get custody. The rules are complicated and you may need to talk to an attorney. E. Petitioner's residence You cannot get a divorce in Iowa if your spouse does not live in Iowa and you have lived in Iowa for less than one year, or if you came to live in Iowa just to get a divorce. If you do not live in Iowa, you can only get a divorce in Iowa if your spouse lives in Iowa. If you have questions about this, talk to an attorney. (1) The only reason that Petitioner (you are Petitioner) is living in Iowa is just to get a divorce. True If you do not live in Iowa, or if you live in Iowa for reasons other than just to get a divorce, check "False."

Rule	17.2	00—Form	201:	Petition for	Dissolutio	n of Marri	age with C	hildren, c	continued					
		(2) Pe	etitio	ner has li	ved in I	owa for	the last		_ years	s and _		_months	S	
		in					_ coun	ty.						
			6-53 (53)	u have alv u have beei	0.E.O.							noved to	Iowa.	
	F.	Partie	s' re	esidence	ĺ									
		divorc	e in I	owa.		n Iowa, y	ou must	have liv	ved in Ic	owa for th	ne last	year bef	ore you i	may obtain a
				that is tri		l he levine		ne Heene		10.000				
			 Petitioner has lived in lowa for more than one year. Respondent (your spouse) is a resident of lowa. 											
		(2)	Re	esponden	t (your	spouse)	is a res	sident c	of Iowa.					
	G.	Cond	ition	of the n	narriage	е								
		Check	all th	nat are tru	e									
		(1)	Th	ne marria	ge is bro	oken an	d canno	ot be sa	aved.					
		(2)		nis is the o vou did n o			200		20.00		0.00	orney.		
		(3)	Th	nis Petitio	n is beir	ng filed	in good	faith fo	or the pu	urpose o	f endi	ng the r	marriage) .
		(4)	Co	ounseling	will not	save the	marriag	ge. <i>If co</i>	ounseling	g may sav	e the n	narriage,	do not c	heck (4).
	Н.	70	espondent's status heck each that is true											
		(1)	If y	esponder you check ouse is in	(1), ther	e are spe	ecial rule	es that n	nay prev	ent your	case f	rom goir	ng forwa	rd if your
		(2)	Re	esponden	t is in p	rison or	jail at_		NAV WARN					in
	4	D					N	ame of	facility					State
	I,	Check		or no c	ontact	oraer								
		5.00) Th	nere is ne esponder				r" nor a	a "no co	ntact or	der" b	etween	Petition	er (you) and
		(2)		nere is a " you check						er" betw	een F	Petitione	r and Re	espondent.
			a.	County	and state	e where t	the order	r came f	from:	3.5				
			ę.	-	10	2			Co	ounty				State
			b.	Court ca		Marian Marian Maria				-				
3.		her C eck A or		s Abou	t the (Shildre	en							
	A.	O TI	nere	are no	other ca	ases al	out the	e child	ren. <i>If</i>	you chec	k A, si	kip to 4.		
	B.	\simeq		are oth						200		10. 5 31		
	3. 	If there	is a	n order fro	om out o	f state ab	out the	children	ı, an Iow					
		about of	custo	dy or visit	ation. T	he rules	are com	plicated	l and you	u may ne	ed to t	alk to an	attorney	<i>'</i> .

Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children, continued

Dec	ember 20	12		Pule 17 200—Form 201	Dage 5 of 7
	(1)	Ц		d the marriage of Petitioner (you) and Respondent (your spouse).	
				asks the court to: at apply. The court will only consider items that are checked.	
5.	Petiti	one	r's	Request	
	1 / 0 / 1 / 10	Out		formation only if you need to expant something.	
4.				nation All of the basic information you need to tell the court is listed on this form. formation only if you need to explain something.	
220	10000312	<u> </u>	ii.	Court case number:	
				County	State
			i.	County and state where the child support order came from:	
			Ify	ou check b, fill in the following information:	
		b.	Ŏ	There is a child support order.	
		a.	0	There is no child support order.	
	(3)			a or b.	
	(3)	Ch		support order	
			ii.	Court case number:	200246 539.
			İ.	County and state where the custody order came from: County	State
			2000	ou check b, fill in the following information:	
		b.	\mathcal{O}	There is a custody order.	
		a.	Ŏ	There is no custody order.	
		Ch	eck a	a or b.	
				ght not be able to get custody in Iowa if there is a custody order entered in another st	ate.
	(2)	Cu	stoc	dy order	
				If the juvenile court has not given concurrent jurisdiction (permission), then child custo be decided in this case. You should talk to an attorney.	иу санног
				(b) Concurrent jurisdiction has not been granted. If the invente court has not given concurrent invisdiction (normicsion), then shill exert	dri oont
				(a) Concurrent jurisdiction has been granted.	
				Check one	
			ii.	Juvenile court case number:	
			.,		State
			i.	County and state of the juvenile court case:	
		b.	$\bigcup_{I \neq 1}$	There is a juvenile court case. You check b, fill in the following information:	
		a.	\boxtimes	There is no juvenile court case.	
		Ch	eck a	a or b.	
	(1)			le court	
	Ify	ои с	heck	B, fill in the applicable information below.	

Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children, continued						
(2)	Decide custody and visitation.					
(3)	Order child support and medical support.					
(4)	Order payment of school or college tuition.					
(5)	Fairly divide the property and the debts of the parties.					
(6)	Order that Respondent pay the court fee	es.				
(7)	Order that Respondent pay for Petitioner's attorney's fees before the divorce is final. If you check (7), you must file form 222.					
(8)	Order that Respondent pay spousal support (alimony) to Petitioner. If you check (8), you must file form 222.					
(9)	Change Petitioner's last name to: Name can only be changed to name on birth certificate or name used immediately prior to the marriage.					
	Print your former or birth name					
(10)	Order counseling to save the marriage.					
(11)	Other request:					

6. Attorney Help

Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children, continued

	Check one				
	A. An attorney did not help me p	repare or	fill in this paper.		
	B. An attorney helped me prepa If you check B, you must fill in the f		The state of the s		
	Name of attorney or organization, i	if any	Attorney's P.I.N.	# – Ask the attorn	ey
	Business address of attorney or org		City	State	ZIP code
	$\frac{(}{Attorney's phone number}$ $\frac{(}{A}$	ttorney's fax	number – optional	Attorney's emai	l address – optiona
7. 8.	Service Instructions If Petitioner is filing in paper, Check one A. O Petitioner will accept service B. O Petitioner will accept service of Oath and Signature				
	I, Print your name of perjury and pursuant to the laws o in this Petition is true and correct.		read this Petitio		
	Signed on: Month Day	Year	Your signature*		
	Mailing address	Ci	ty	State	ZIP code
	Phone number Email add	ress	Addi	itional email addr	ess, if applicable
	* Whether filing electronically or in paper, you need to scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper, you need to be a scan the form after signing it and then file electronically or in paper.		e your signature on th	is form. If you are f	ìling electronically,

Important Notice to Petitioner
See next page for instructions for filing a Petition.

Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children

Do not file these instructions

Instructions for Filing a Petition for Dissolution of Marriage with Children

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Petition electronically

- If you are filing your divorce case in a county that uses electronic filing, you must register to
 electronically file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented) for eFiling</u> on the Iowa Judicial Branch website.
- After you have registered, <u>log in to the electronic filing system</u> to electronically file your dissolution case.
- For help electronically filing your divorce, see *How to eFile a New Case*.
- With your Petition, you must also file an Original Notice (204) and a Protected Information Disclosure Form (211).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the efiling
 of your Petition and other documents.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your filing. For help, see <u>How to Resubmit a Returned Filing</u>.
- Log in to your eFile account and download and print your Petition and Original Notice so that you can serve it on (deliver it to) your spouse.
- For help finding and downloading your Petition and Original Notice, please see <u>My Filings Reference</u> <u>Guide</u>.

Filing your Petition in paper

- If the county where you will be filing your Petition does not yet accept electronic filing, you may
 proceed in paper. If the county does accept electronic filing, you must proceed electronically, unless
 you have received permission from the court to file in paper.
- With your Petition (201), you must also file a Petition Cover Sheet (202), an Original Notice (204a), and a Confidential Information Form (203).
- Forms 201 and 204a: Make two photocopies if you can deliver copies of these forms to your spouse inperson or by mail. Make three photocopies if you are going to ask the county sheriff or a civil process server to deliver these forms to your spouse.

Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.

- Forms 202 and 203: You do **not** have to make photocopies of these forms.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county.
 Tell the clerk at the counter you are filing a Petition for a divorce.

Instructions for Rule 17.200—Form 201: Petition for Dissolution of Marriage with Children, continued

- Give the clerk at the counter these forms:
 - 201 Petition for Dissolution of Marriage with Children
 - 202 Coversheet for a Petition for Dissolution of Marriage with Children
 - 203 Confidential Information Form (Do not make copies of this form.)
 - 204a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 209.
- The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (204a). You will have to serve this form on (deliver it to) your spouse.
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions

Rule 17.200—Form 202: Petition Cover Sheet for a Dissolution of Marriage with Children

For court use only Case num	ah au	County where case is fil	lad.	- %
Petitioner	wer	County where case is ju	еи	
Petitioner's first name	Middle name	Last name		
Street address		City	State	ZIP code
() Phone number	Email add	lress		
Case name				
Petitioner's first name	Middle name	Last name		_0
VS.				
Respondent's first name	Middle name	Last name		=1
Nature of the Case:	EQUITY—Dom	estic Relations th children (CD-DC)		

Note to Petitioner

- Petitioner must complete this cover sheet if filing in paper and give it to the clerk of court when filing a Petition for Dissolution of Marriage with Children (201).
- Do not serve this cover sheet on Respondent.
- This cover sheet is for statistical purposes only. It has no legal effect in the case.
- Electronic filers: Do not use this form. The information on this form is automatically generated when you submit
 your documents electronically.

Rule 17.200—Form 203: Confidential Information Form

This form is to be used by paper filers only.

Each party must complete one of these forms if filing in paper.

lowa Code section 602.6111 requires the parties to a case to provide the clerk of court with certain personal identification information. Each party's completed form will be kept confidential by the clerk of court.

In the Iowa District C	County where your	case is filed
Jpon the Petition of	Equity case	no
Petitioner Full name: first, middle, lass he spouse who files the Petition	Confid	lential Information Form
nd concerning		
Respondent Full name: first, middl the other spouse	e, last	
. Petitioner's Information		
Full name: first, middle, last	Birth date	Social Security number
. Respondent's Information	on Transfer	
Full name: first, middle, last	Birth date	Social Security number
. Children's Information		
Child 1:		
Full name: first, middle, last	//	Social Security number
	Ditti date	bociai becarity namoer
Child 2:	T I	
Full name: first, middle, last	Birth date	Social Security number
Child 3:		
T 11 A 3 1 1 1 2		Social Security number
Full name: first, middle, last	Birth date	Social Security number
Child 4:		
	120	

Information provided by: Print your full name: first, middle, last			
•			

Rule 17.200—Form 204: Original Notice for Personal Service

Petitioner must serve the Petition on Respondent within 90 days after filing the Petition.

Failure to meet this deadline may result in the court dismissing the divorce case.

Read the <u>Guide to Representing Yourself in an Iowa Divorce Case with Children</u> on the Iowa Judicial Branch website for additional important instructions. Iowa divorce forms are available free of charge on the <u>Iowa Judical Branch website</u>.

- If filing electronically, Petitioner must complete this form.
- lf filing in paper, Petitioner must use form 204a.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court fo	or	County where Peti	tion is filed	County
Upon the Petition of		Original No	otice for Pe	ersonal Service
Petitioner Full name: first, middle, las	t .			
and concerning				
Respondent Full name: first, middle	e, last			
 To Respondent Named Above Petitioner (your spouse) ha A copy of the Petition for D Petitioner asks for a divorce Petitioner's contact information 	as filed a divorce Dissolution of Mar e.	riage with Children	en contra contrata de accidente de la	o this Notice.
Mailing address	City		State	ZIP code
() Phone number	Email addre	ess	 ;	

Rule 17.200-Form 204: Original Notice for Personal Service, continued

Instructions to Respondent

- A. You must file an Answer or a Motion with the clerk of court in the above county within 20 days after you receive this Original Notice. If you do not file an Answer or Motion within 20 days after receiving this Original Notice, the court may enter a judgment against you giving Petitioner what he or she asked for in the Petition.
- B. For help in your divorce case, and for forms that you must use if you choose to represent yourself without an attorney, visit the Iowa Judicial Branch website at http://www.iowacourts.gov/ and click on "Court Rules & Forms" or on "For the Public."
- C. If you received Petition form 201, you may use Answer form 215.
- D. This case has been filed in a county that uses electronic filing. You must register to eFile through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/Efile and obtain a log in and password for filing and viewing documents in your case and for receiving service and notices from the court.
 - For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16
 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial
 Branch website.
 - For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules Chapter 16.
 - If you are unable to proceed electronically, you must receive permission from the court to file in paper.
 Contact the clerk of court in the county where the petition was filed for more information on being excused from electronic filing.
- E. If you electronically file your Answer or Motion, it will be served automatically on Petitioner or on Petitioner's attorney(s). A Notice of Electronic Filing (NEF) will tell you if the court has excused Petitioner from electronic filing. If the court has excused Petitioner from electronic filing, you must mail a copy of your Answer or Motion to Petitioner.

Important Notice to Respondent
You should talk to an attorney at once to protect your interests.

Rule 17.200—Form 204a: Original Notice for Personal Service

Petitioner: Use this form only if filing in paper.

Read the *Guide to Representing Yourself in an Iowa Divorce Case with Children* for additional important instructions. Iowa divorce forms are available free of charge on the Iowa Judicial Branch website.

- ☐ If filing electronically, Petitioner must use form 204.
- If filing in paper, Petitioner must use this form.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

A AAA			
In the Iowa District Court	forCounty where Pet	ition is filed	County
Upon the Petition of	Equity case		
Petitioner Full name: first, middle, last	Original N	otice for Pei	sonal Service
and concerning			
Respondent Full name: first, middle, last			
 Petitioner (your spouse) has filed A copy of the Petition for Dissolu Petitioner asks for a divorce. Petitioner's contact information during	tion of Marriage with Childre	3 83	
Mailing address	City	State	ZIP code
()		_	
	il address		
2. Instructions to Respondent • You must file an Answer or a Motion withis Original Notice. If you do not file a court may enter a judgment against • If you received Petition form 201, you • After you file your Answer or Motion,	with the clerk of court in the abov an Answer or Motion within 20 d a t you giving Petitioner what he o u may use Answer form 215 .	ays after receiving or she asked for in	this Original Notice, the
(SEAL)	Clouds of Count		
	Clerk of Court		
Important Notice to Respondent You should talk to an attorney at once to		į	County Courthouse
protect your interests.	-		, lowa
	City		ZIP code
If you need assistance to participate in court due to a disablearing or speech impaired may call Relay lowa TTY (1-80 contact information available at: http://www.iowacourts.gov	00-735-2942). Disability coordinators	cannot provide lega	Persons who are ladvice. Disability coordinator
December 2013	Rule 17.200-Form 204a		Page 1 of 1

[Court Order December 19, 2013]

Rule 17.200—Form 205: Acceptance of Service

Petitioner must complete this section:

In the lowa District Court for	County where Petition is filed	Co	unty
Upon the Petition of	Equity case no		
	_ Acceptance	of Servi	CO
Petitioner Full name: first, middle, last	_ Acceptance	or Servi	CE
and concerning			
Respondent Full name: first, middle, last	-		
Petitioner must file this form with the clerk of court so	on after Respondent signs it		
Respondent's Acceptance of Service, of If Respondent completes this Acceptance of Service, Resigning it. Petitioner will file it with the clerk of court.	espondent must return this form to	Petitioner :	soon after
l,	_, am Respondent in this ca	ase. I rece	eived a copy
Print your name	C STREETS SELECTION NEWSFILM OF WALLE		
of the Original Notice and the Petition for this I certify under penalty of perjury and pursuan information I have provided in this Acceptanc	t to the laws of the State of	lowa that	
20			
Signed: Month Day Year	Respondent's signature		
Respondent's mailing address	City	State	ZIP code
3			
()Email address			

Important Notice to Respondent

By signing this form, you are not agreeing to what Petitioner wants. You are only agreeing that you received a copy of the Original Notice and Petition.

Rule 17.200—Form 206: Directions for Service of Original Notice

Petitioner: Complete this form if the sheriff or a process server will deliver the Petition and Original Notice to Respondent.

- Do not use this form if Respondent has already received the Petition and Original Notice.
- · Do not file this form with the clerk of court in paper or electronically.
- Give this form to the sheriff or other process server with your Petition (201) and Original Notice (204 if electronically filing or 204a if filing in paper).

	heriff or Other Process Serve	er	
Check one and fill in the blanks			
A. O Sheriff In county where			
-	County		
Street address	City	State	ZIP code
B. Other process serve	r		
Name of other person ser	ving the Notice		
Street address	City	State	ZIP code
Person to be Served			
	()		
Your spouse's name	Phone number		
Address where your spouse can be	e served City	State	ZIP code
Person Requesting Serv	vice .		
V	()		
Your name	Phone number		
Your present mailing address		State	ZIP code
Charial Instructions for	Corrigo D. 1 . C	111 1 4 1 20	
Special Instructions for delivering papers to Respondent.	Service Provide information that wi	ll help the sheriff o	r process ser

5. Costs of Service

Rule 17.200—Form 206: Directions for Service of Original Notice, continued

	Check one	
	A. O Petitioner will pay the costs of the Sheriff If you cannot afford the costs, file form 209.	or other process server.
	B. Costs for Sheriff deferred by court order:	Clerk of court: Sign only if costs deferred by court order
6.	Notification	oy court order
	After completion of service, the sheriff or other pro- requesting service.	cess server will notify the person
	, 20	
	Signed: Month Day Year	Your signature

Rule 17.200—Form 207: Motion and Affidavit to Serve by Publication

Petitioner: Use this form only if you do not know where your spouse lives or works.

- You must contact a newspaper that is generally distributed or circulated throughout the county where you filed the Petition
- Ask if the newspaper will publish your Original Notice by Publication (208) in your divorce case.
- Tell the newspaper you need to publish the Notice once each week for three weeks in a row.
- If the newspaper can publish your Notice three weeks in a row, ask how much it will cost.
- Tell the newspaper you will call back to arrange for publishing your Notice after a judge gives you permission to publish your Notice in the newspaper.
- The fees for publication are set by statute in Iowa Code section 618.11.

In the Iowa District Court for	County where you filed the Petition	County
Upon the Petition of	Equity case no	a Marcher Water STERRO SE
Petitioner Full name: first, middle, last	Motion and A Serve by Pu	
and concerning		
Respondent Full name: first, middle, last	_	
1. Information and Requests		
A. Respondent's residence		
Check each that applies		
(1) Respondent lives outside of lowa		
(2) Respondent's residence and place		
Washington Washington Washington and American Street, and American Stree	,	
B. Respondent's last known residence:		
Street address Cit	ty	te ZIP code
()	
County	one number En	iail address
C. Most recent date Respondent is know	in to have been at the address	ahove.
O. Wost recent date respondent is know	in to have been at the address	above.
. 20		

Rule 17.	200—Form 207: Motion and Affidavit to Serve by Publication, continued
D.	Petitioner has taken these steps to find Respondent:
_	Detitionar will publish notice in this neuropener
Ε.	Petitioner will publish notice in this newspaper: Name of newspaper
F.	Petitioner asks the court to allow Petitioner to serve Respondent by publication because Respondent cannot be personally served.

Continued on next page

Rule 17.200—Form 207: Motion and Affidavit to Serve by Publication, continued

2.	Attorney Help Check one			
	A. An attorney did not help me prepare of	r fill in this paper.		
	B. An attorney helped me prepare or fill in	n this paper.		
	If you check B, you must fill in the following in	nformation:		
	Name of attorney or organization, if any	Attorney's P.I.N. #	- Ask the attorney	1
	Business address of attorney or organization	City	State	ZIP code
	Attorney's phone number Attorney's fa	x number – optional	Attorney's email a	ddress – optiona
3.	3	e read this Motion	and Affidavit, ar	nd I certify
	Print your name		•	₹2
	under penalty of perjury and pursuant to the la have provided in this Motion and Affidavit is tr		lowa that the in	formation I
	Signed on: Month Day Year			
		T7		
	Signed on: Month Day Year	Your signature*		
	<u></u>	Tour signature*	State	ZIP code
	<u></u>	Tity	State	

scan the form after signing it and then file electronically.

Rule 17.200—Form 208: Original Notice by Publication

Petitioner: Complete this form only if a judge has signed an order giving permission to publish this Notice in a newspaper.

After you take this Notice to the newspaper, promptly mail a copy of this Notice and the Petition to Respondent's last known mailing address.

Note to Petitioner: Fill in third date of publication in section 2 below.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

Newspaper: Publish only the information below this line.

	In the Iowa District Court for _	County where Petition	is filed County
Upor	the Petition of	W 1957	
and c	ioner Full name: first, middle, last oncerning ondent Full name: first, middle, last	Original N	otice by Publication
1. In •	formation for Respondent Named A Petitioner (your spouse) has filed a divorce Petitioner's contact information during the contact information for Respondent Named A Petitioner (your spouse) has filed a divorce information during the contact infor	lawsuit naming you as Respon	ndent.
	Petitioner's present street address County	City	State ZIP code Email address
Yo	espondent's Deadline for Filing a Four must file an Answer or a Motion with the point on the bound of the bou	Response	
You proshe	structions to Respondent Named Appearance of the second struction of the second structure of the secon	clerk of court in the above court may enter a judgment again cant Notice to Respondent our interests. u in this matter, go to the lowa Jud	nst you giving Petitioner what he or
If you ned	ed assistance to participate in court due to a disability, con or speech impaired may call Relay lowa TTY (1-800-735-2 formation available at: http://www.iowacourts.gov/Adminis	ntact the disability coordinator at: () Persons who are provide legal advice. Disability coordinator

Rule 17.200-Form 208: Original Notice by Publication, continued

Newspaper: only publish the instructions below if your county uses electronic filing. To determine if your county uses electronic filing, check the map available on the Iowa Judicial Branch website under "eFiling," or call the clerk of court office in your county.

Additional Information for Respondent

- You must register to eFile through the Iowa Judicial Branch website at
 https://www.iowacourts.state.ia.us/Efile/ and obtain a log in and password to file and view documents in your case and to receive service and notices from the court.
- For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16
 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial
 Branch website.
- For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules, Chapter 16.

Rule 17.200—Form 209: Application and Affidavit to Defer Payment of Costs

Petitioner: Use this form only if you cannot afford to pay the fees to file and serve the Petition.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff cannot be waived. For example, you may have to pay to publish a legal notice in the newspaper or to hire an expert to testify.

	In the Iowa District Court for	nty where your case is filed
Upor	n the Petition of	Equity case no
Petit	ioner Full name: first, middle, last	Application and Affidavit to Defer Payment of Costs
and c	oncerning	
Resp	pondent Full name: first, middle, last	
1. R	equest and Information	
A	I am Petitioner.	
В	For my Application and Affidavit, I state that Check all that apply	at:
	(1) am unable to pay the filing fee or serv	rice costs or other court costs.
	(2) ask the court for permission to proceed	ed without prepayment of costs and fees.
	(3) I am filing this Application and Affidavit	in good faith.
	(4)	ing for in this case.
С	Household	
	There are $\underline{\hspace{1cm}}$ people living in my house $\underline{\hspace{1cm}}$	hold.
D	. My household income is \$ p	er month.
	Put the total amount of all income and benefits befo	ore deductions for all members of your household.
E.	My income comes from:	1 6 1 1 7 77 10 777
	List the sources of your income. Examples: salary, v	vages, or benefits such as unemployment, Title 19, FIP.
	Continued	l on next page

Rule 17.200-Form 209: Application and Affidavit to Defer Payment of Costs, continued	Rule 17.200-	-Form 209: <i>App</i>	olication and A	ffidavit to D	efer Payment	of Costs,	continued
--	--------------	-----------------------	-----------------	---------------	--------------	-----------	-----------

F.	My household has th	e following monthly expenses:
	(1) Rent or mortgage	\$
	(2) Utilities	\$
	(3) Phone	\$
	(4) Food	\$
	(5) Transportation	\$
G	I have \$	in cash, checking, and savings.

Continued on next page

Rule 17.200—Form 209: Application and Affidavit to Defer Payment of Costs, continued

2.	Attorney Help								
	Check one								
		A. An attorney did not help me prepare or fill in this paper.							
	B. An attorney helped me prepare or fill in <i>If you check</i> B, <i>you must fill in the following in</i>								
	Name of attorney or organization, if any	Attorney's P.I.N.	# $ Ask$ the attorn	ey					
	Business address of attorney or organization	City	State	ZIP code					
	() () Attorney's phone number Attorney's fa	w manahar anti-und	Attornan's amai	laddrassti					
	Autorney's prione number Autorney's ju	х нитоет – орнопа	Attorney's emai	г ишигезз – орпопа					
3.	Certification of Service by Mailing or De Section 3 to be completed only if filing in paper or if the	e other party is exen	277 ST3	filing.					
	This document, if filed electronically, will automatically.	475	-						
	I,, cert	ify that on		, 20					
	I mailed or gave a copy of this Application and Affic		850						
	Name of person to whom I delivered or mailed it Party's or attorney's mailing address City		State	ZIP code					
4.	Oath and Signature								
-	certify under	r penalty of periur	v and pursuant t	o the laws of					
	I,, certify under	perions or perjor	y arra parodant						
	the State of Iowa that I have read this Applicatio	n and Affidavit an	d that the inform	nation I have					
	provided in this Application and Affidavit is true a	and correct.							
	20								
	Signed on: Month Day Year You	r signature*							
	Mailing address City		State	ZIP code					
	()								
	Phone number Email address	Ada	litional email addre	SS – if available					
	* Whether filing electronically or in paper, you must handwrn scan the form after signing it and then file electronically.	ite your signature on t	nis form. If you are f	iling electronically,					
Dec	cember 2013 Rule 17.200)—Form 209		Page 3 of 3					

Rule 17.200—Form 210: Affidavit of Service of Original Notice and Petition for Dissolution of Marriage

Petitioner: Use this form only if someone other than Petitioner (you), or a person who is not a sheriff or a process server, delivered a copy of the Petition and Original Notice to Respondent (your spouse).

- The person, other than Petitioner, who gave the Petition and Original Notice to Respondent, fills in this form.
- Petitioner, or the person who gave the Petition and Original Notice to Respondent, must file this form with the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the Iowa D	istrict Court fo	or	ounty where	Petition is filed	C	ounty	
Up	Upon the Petition of			Equity case no				
	etitioner Full name: fir.	st, middle, last		Af	fidavit of Se Notice an Dissolutio	d Petitio	n for	
an	d concerning							
Re	espondent Full nam	e: first, middle, last						
1.	Affidavit			<u> </u>				
	Ĺ			delivered	l a copy of the	e Original	Notice and	
	Name of person –	I,, delivered a copy of the Original Notice and Name of person - Cannot be Petitioner, sheriff, or process server						
	Petition for Dissolu	a 200 a 3	는 경쟁 작				Check one	
						Oa.m.		
		•	n		20	ot	\subseteq	
	Name of Respondent On, 20 at Op.m.					O p.m.		
					\$35500 # 3		52. 7	
	by handing Respon	ident copies of ti	ne attache	ed papers.				
2.	Oath and Signat	ure						
	To be completed by the		ne Petition o	and Original	l Notice to Resp	ondent.		
	Ì,						ce and I certify	
	Print your name			, ilave lea	u tilis Allidav	it of Servi	ce, and reening	
	*							
	under penalty of perjury and pursuant to the laws of the State of lowa that the information I							
	have provided in this Affidavit of Service is true and correct.							
	9	$\phantom{aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa$			3.50			
	Signed on: Month	Day Ye	ar Yo	ur signature	·*			
	Mailing address		— Ci	ty		State	ZIP code	
	()_ Phone number	Email ad	dress			l email addi	ress – if available	
	* If you are filing electro	onically, scan the form	after signing	g it and then f	ìle electronically.			
D-	bar 2012		Dul- 47.0	00	`		D4-63	
Dec	ember 2013		Rule 17.2	00-Form 210	J		Page 1 of 1	

[Court Order December 19, 2013]

Rule 17.200—Form 211: Protected Information Disclosure

It is the responsibility of counsel, if any, and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made. For electronic filers, see Division VI of chapter 16 of the Iowa Court Rules. For paper filers, see Iowa Rule of Civil Procedure 1.422.

Use this form to identify the full version of any protected information redacted in other documents you have filed.

■ If filing electronically:

- Petitioner must complete this form (211) and file it with the Petition (201) and Original Notice (204).
- Respondent must complete this form if adding or correcting protected information.
- Paper filers also may use form 211 to assist in complying with Iowa Rule of Civil Procedure 1.422.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County where the case is filed
Upon the Petition of	Equity case no
Petitioner Full name: first, middle, last	_ Protected Information Disclosure
and concerning	
Respondent Full name: first, middle, last	_

For electronic filers:

When protected information, as defined in lowa Court Rule 16.602, is required by law to be included or is material to the case and must be included in non-confidential documents, a party shall include the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules Pertaining to the Use of the Electronic Document Management System, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted.

1. Petitioner The spouse who filed for divorce.

Provide the complete version of protected information and the redacted version included in documents you file.

Name _____

First	Middle I	Last
Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
A. Social security number	 XXX-XX-XXXX	Last four digits only
B. Financial account numbers	Full account number	Partial account number only
C. Date of birth	/ // mm/dd/yyyy	Year only
D. Individual taxpayer identification numbers	- 	Last four digits only

Name

Rule 17.200—Form 211: Protected Information Disclosure, continued

E. Personal identification numbers	Full number	Partial only
F. Other unique identifying numbers	Full number	Partial only
G.		
Additional protected information	Full information	Partial information
H		
Additional protected information	Full information	Partial information
<u>L</u>		
Additional protected information	Full information	Partial information
J.		
Additional protected information	Full information	Partial information

2. Respondent The spouse who did not file for divorce.

Provide the complete version of protected information and the redacted version included in documents you file. If Petitioner is filling out this form, provide as much information about Respondent as you can.

le	<u> </u>	
First	Middle L	ast
Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
A. Social security number	 XXX-XX-XXXX	Last four digits only
B. Financial account numbers	Full account number	Partial account number only
C. Date of birth	/ /mm/dd/yyyy	Year only
 D. Individual taxpayer identification numbers 	 XXX-XX-XXXX	Last four digits only
E. Personal identification numbers	Full number	Partial only
F. Other unique identifying numbers	Full number	Partial only
G.		
Additional protected information	Full information	Partial information
H.		
Additional protected information	Full information	Partial information
ē		
Additional protected information	Full information	Partial information
J.		
Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Respondent.

Check this box if you are attaching a separate sheet listing additional information for Petitioner.

Rule 17.200—Form 211: Protected Information Disclosure, continued

2	CAL		D -	.4:	_
3.	Oth	ıer	Pa	ITI	65

Provide the complete version of protected information and the redacted version included in documents you file. Provide as much information about other parties as you can.

First	Middle Las.	t
Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
A. Social security number	XXX-XX-XXXX	Last four digits only
B. Financial account numbers	Full account number	Partial account number only
C. Date of birth	/ mm/dd/yyyy	Year only
D. Individual taxpayer identification numbers	XXX-XX-XXXX	Last four digits only
E. Personal identification numbers	Full number	Partial only
F. Other unique identifying numbers	Full number	Partial only
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information
J. Additional protected information	Full information	Partial information

4. Children

Provide the complete version of protected information and the redacted version included in documents you file.

۹.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / / mm/dd/yyyy	Year only

Check this box if you are attaching a separate sheet listing additional information for other parties.

Rule 17.200—Form 211: Protected Information Disclosure, continued

B.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	mm/dd/yyyy	Year only

Э.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
(2) Soci	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

D.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)	
	(1) Child's full name	First, middle, last name	Child's initials	
	(2) Social security number	XXX-XX-XXXX	Last four digits only	
	(3) Date of birth	/ / / mm/dd/yyyy	Year only	

Ε.,	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	- XXX-XX-XXXX	Last four digits only
	(3) Date of birth	mm/dd/yyyy	Year only

Check this box if you are attaching a separate sheet listing additional children.

Continued on next page

Date information provided

Rule 17.200—Form 211: Protected Information Disclosure, continued

Handwritten signature of Petitioner or attorne if filing in paper	y	Electronic sig		itioner or attorney
Law firm, if applicable		•		
Mailing address	City		State	ZIP code
() Phone number				
Email address		Additional email	address, if ap	pplicable

Rule 17.200—Form 212: Joint Statement on Legal Parent

- The parties use this form if a child is born or conceived during the marriage and both parties want the court to find that
 one of the parties is not a legal parent of the child. Note: For purposes of this form, legal parent is a person who is
 recognized by law as a parent to a child because of marriage.
- This form tells the court that both parties agree that one party is not a **biological parent** and should be *disestablished* as (should no longer be) a legal parent of the child.
- This form can only be used if the party being disestablished is a legal parent of the child because of the marriage of the
 parties and there is a pending dissolution of marriage action in Iowa. Do not use this form if the party being
 disestablished is a legal parent of the child because of an affidavit, court order, or action in another state.

In the Iowa District		unty where your case is filed	County
Upon the Petition of		Equity case no	15 NEW
Petitioner Full name: first, middle, lo	ıst	Joint Statement on Parent	Legal
and concerning			
Respondent Full name: first, mid	dle, last		
Check each that applies A. Petitioner's or Respond Petitioner's or Respond Petitioner's or Respond following children b List children's initials and b	dent's name condent's unborn ch is a leg dent's name orn during the marri	gal parent but not a biological	ted due date
First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
(1)		(4)	
(2)		(5)	
7 16		(6)	

Rule 17:200-Form 212: Joint Statement on Legal Parent, continued

2. Biological Parent

The biological parents, if known, of the children are as follows:

First, middle, & last initials of each child	Biological parent	First, middle, & last initials of each child	Biological parent
(1)		(4)	
(2)		(5)	
(3)		(6)	

	7.7			4.9			
	(2)			(5)			
	(3)			(6)			
3.	Best Interests of th	e Children					
	It is in the best interes	ts of the children and th	ne		D	1	_
	is found not to be a le	gal parent of the child o	or		s or Respo	ondent's name	
1.	Guardian Ad Litem						
		the court may appoin I that we may have to					
5.	Request						
	We ask the court to	find and conclude tha	at '		E2 5W	en poor territ	
		rent of the child or ch I that the court disest		dren, including any u	nborn c		20
3 .	Attorney Help						
	A. Petitioner Check of	ne					
	(1) O An attorney	did not help me prepare o	or:	fill in this paper.			
		helped me prepare or fill		**************************************			
	If you check (2), you must fill in the follow	wii	ng information:			
	Name of attorney	or organization, if any		$\overline{Attorney's P.I.N. # - Ask}$	the attorn	пеу	2
	Business address	of attorney or organization	-2)	City	State	ZIP code	
	()	()	<u>_</u>		\$90	National Care	-
	Attorney's phone	number Allorney's j	ax	number - optional Attor	ney s ema	til address – optiona	ı

Continued on next page

Rule 17.200—Form 212: Joint Statement on Legal Parent, continued

B.	Respondent C					
	(2) O An attorne	y helped me	Ip me prepare or e prepare or fill ir st fill in the follow	r fill in this paper. In this paper. Ing information:		
	Name of attorne	y or organiza	ation, if any	Attorney's P.I.N.	# - Ask the attorn	ney
	Business addres	s of attorney	or organization	City	State	ZIP code
	()_ Attorney's phon	e number	() Attorney's fa	x number – optional	Attorney's ema	til address – option
Oa	ths and Signat	ures				
A.	Petitioner's Oath	and Signa	ture			
	l, Print your name		, have read this	Joint Statement, an	nd I certify under po	enalty of
	Print your name perjury and pursuant Statement is true and	to the laws of correct.	of the State of Iowa	a that the information	n I have provided i	n this Joint
	Month	Day	, 20 	Petitioner's signo	ature*	
	Mailing address		City		State	ZIP code
	()		_ Email address		Management of the control of the con	#P#Nerrines Screen State (Mar
	Phone number * Whether filing electronically, scan	ronically or in	paper, you must har	ndwrite your signature	dditional email ac	
В.	Respondent's Oa	ath and Sig	nature			
	le		, have read this	Joint Statement, an	nd I certify under po	enalty of
	Print your name perjury and pursuant Statement is true and	to the laws o				
			, 20			
	Month	Day	Year	Respondent's sign	nature*	
	Mailing address		City		State	ZIP code
	() Phone number		Email address	\overline{A}	dditional email ac	ldress – if available
	* Whathay filing alast					
	* Whether filing electronically, scan				on this form. If you	ı are filing

Rule 17.200—Form 213: Motion to Disestablish Legal Parent

- A party uses this form if a child is born or conceived during the marriage and one of the parties wants the court to
 find and conclude that one of the parties is not a biological parent of the child and should be disestablished as
 (should no longer be) a legal parent of the child.
- For purposes of this form, legal parent is a person who is recognized by law as a parent to the child because of marriage.
- This form can only be used if the party sought to be disestablished is a legal parent of the child because of the
 marriage of the parties and there is a pending dissolution of marriage action in Iowa. If the party sought to be
 disestablished is a legal parent of the child because of an affidavit, court order, or action in another state, do not use
 this form.

In the Iowa District Cou		nty where your case is filed	County
Upon the Petition of		Equity case no	
Petitioner Full name: first, middle, last		Motion to Disestabli Parent	sh Legal
and concerning			
Respondent Full name: first, middle,	last		
B. Petitioner's or Respondent' of the following children List children's initials and birth	is a less on a l	egal parent but may not be a marriage:	pected due date
First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
(1)		(4)	
(2)		(5)	
(3)		(6)	

2. Genetic Tests

Rule 17.200—Form 213: Motion to Disestablish Legal Parent, continued

	Che	eck e	ach that applies		
	A.		I agree to cooperate with getting any	genetic test that the court orders.	
	B.		I understand that I may have to pay for	or any genetic test that the court o	rders.
	C.		Genetic tests* have been done and s	how	is not the
			biological parent.	Fettiloner's or Respondent's name	
			*Note on genetic tests: Genetic test with verified documentation of the che evaluation report directly to the clerk 600B.41A.	ain of custody, and the laboratory	must send the
3.	Re	que	est		
	las	sk th	he court to:		
	A.		point a guardian ad litem (an attorney) ny have to pay the costs of the guardia		and that I
	B.		der genetic tests if needed and order t for testing.	hat Petitioner, Respondent, and ch	nildren
	C.	Fin	nd that, Petitioner's or Respondent's name	if excluded by genetic testing, is n	ot a
		bio abo	Petitioner's or Respondent's name plogical parent of the child or children, ove, and that the court disestablish the ildren.	including any unborn child, listed i	n section 1
4.	Ch	ild	Support Recovery Unit (CSRU)		
	Che	ck o	ne		
	A.	0	CSRU is providing services.		
			Note: You must give a copy of this Motion to	CSRU if it is providing services.	
	B.	0	CSRU is not providing services.		

Continued on next page

Rule 17.200—Form 213: Motion to Disestablish Legal Parent, continued

5.	Attorney Help Check one					
	A. O An attorney did not help me pro	epare or	fill in this paper			
	B. An attorney helped me prepare	or fill in	this paper.			
	If you check B, you must fill in the foil	llowing in	formation:			
	Name of attorney or organization, if a	21011	Attomaca'a D.I.N	$\mathcal{L} \# - Ask$ the attorn		
	wame of anomey or organization, if t	any	Attorney ST.1.IV	. # – Ask the anott	iey	
	Business address of attorney or organ	nization	City	State	ZIP code	
	() ()		_8 Y		
	Attorney's phone number Atto	orney's fa:	x number – optional	Attorney's ema	il address – optional	
6.	Certification of Service by Mailin Section 6 to be completed only if filing in paper This document, if filed electronically, will auto	er or if the	other party is exer		filing.	
	l,	, certi	fy that on		, 20	
	I,		Month	Day	Year	
7	Party's or attorney's mailing address Oath and Signature	City	8	State	ZIP code	
1.	1 55	oorti:	fillinder nenethi	of marity and m	urauant to the	
	I,Print your name	, ceru	ry under penalty	or perjury and p	ursuarit to trie	
	laws of the State of lowa that I have rea this Motion is true and correct.	d this Mo	otion and that the	e information I ha	ave provided in	
	Signed on: Month Day Year				torney at this ZIP code ursuant to the ave provided in ZIP code	
	Signed on: Month Day Year	You	r signature*			
	Mailing address	- City	60.5	State	ZIP code	
	Phone number Email addre	SS	Ad	ditional email addr	ess – if available	
	* Whether filing electronically or in paper, you muscan the form after signing it and then file electron		te your signature on	this form. If you are	filing electronically,	
Mai	rch 2014 F	Rule 17.200)—Form 213		Page 3 of 3	

[Court Order March 26, 2014]

Rule 17.200—Form 215: Answer to Petition for Dissolution of Marriage with Children

Respondent: You must file an Answer in the county where the Petition was filed within **20 days** after receiving the Petition and Original Notice, or the **court may enter a judgment against Respondent** giving Petitioner what he or she asked for in the Petition.

- Read the <u>Guide to Representing Yourself in an Iowa Divorce Case with Children</u> on the Iowa Judicial Branch website before using this form.
- Use this Answer form 215 if you received Petition form 201, otherwise use form 216.
- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (211) if you have not already done so.
- If filing in paper, you may use form 211.

In the Iowa District Court for	where your spouse filed the Petition	County					
Upon the Petition of	Equity case no						
Petitioner Your spouse's full name: first, middle, last	Answer to Petition for Dissolution of Marriage with Children						
and concerning							
Respondent Your full name: first, middle, last							
1. Personal Information Fill in all information th	at you know.						
A. Petitioner's information							
Check one							
If paragraph 1A of the Petition (form 201) is not	correct check (2) and fill in the blank	ς.					
	W & S						
(1) Petitioner's (your spouse's) birth year	o n	the Petition.					
(2) O Petitioner's birth year and present resi	dence are not correct in the Petition.						
The correct information is:	<u></u>						
Birth year							
Present street address	City State	ZIP code					
(
County Phone	number Email ad	ldress					
B. Respondent's information Check one							
If paragraph 1B of the Petition (form 201) is not	If paragraph 1B of the Petition (form 201) is not correct, check (2) and fill in the blanks.						
(1) Respondent's (your) birth year and pre	(1) Respondent's (your) birth year and present residence are correct in the Petition.						
~							
	esiderice are not correct in the Fetitio	JII.					
The correct information is:							
Birin year							

Rule 17.2	00—Form 215: Answer to Petition for Dissolution of	of Marriage with Children, conti	nued						
	Present street address	City	State	ZIP code					
		()							
	County	Phone number	Email add	dress					
C.	Fill in as much information as you know Check one If paragraph 1C of the Petition (form 20) (1) The information for the other correct in the Petition. (2) The information for the other	eck one aragraph 1C of the Petition (form 201) is not correct, check (2) and fill in the blanks. The information for the other person who has visitation or custody rights of the children is							
	Full name: first, middle, last								
	Present street address	City	State	ZIP code					
	County	Phone number	Email address						
	eneral Information About the								
A.	Date and location of the marriage Check one If paragraph 2A of the Petition (form 201) is not correct, check (2) and fill in the blanks. (1) The date and location of the marriage are correct in the Petition. (2) The date and location of the marriage are not correct in the Petition. The correct information is:								
	Month Day	Year Cit	v	State					
B.	Children Check one		e e	Nuc					
	If paragraph 2B of the Petition (201) is no	ot correct, check (2) and all	items that are true.						
	(1) O The Petition provides the	correct information about	the children.						
	on about the children.								
	ner								
	This includes any chil spouse is not a parent		the marriage, but for						
	c. There are children 18	3 years or older who still i	need support.						
	d. Petitioner or Respon	dent is pregnant.							

Rule 17.200-Form 215: Answer to Petition for Dissolution of Marriage with Children, continued

^	1 -1 4:	C: !	L:	- 5	-1-:1	-1
U.	ldenti	lica	lion	OI	CIII	aren

Check one

If paragraph 2C of the Petition (201) is not correct, check (2) and provide the correct information about the children's identification.

(1) The children are identified correctly in the Petition.

(2) The children are not correctly identified in the Petition. The correct information is:

First, middle, & last initials of each child	Birth year
a.	
b.	
c.	

First, middle, & last initials of each child	Birth year
d.	
e.	
Ť _{es}	

☐ Check this box if you have attached a separate sheet listing additional children.

D. Children's living arrangements

iv. Children:

Initials

Check one

	Section of the second	esidence.	euiion (201)	is noi correci,	спеск в апа ј	rovic	ie ine corre	ci ingon	nation i	100m me
a. (T^h	e informatio	n about where	e the children	have lived is	listed	d correctly i	n the Pe	etition.	
b. (on about where formation is: 1			not li	sted correc	ctly.		
	İ.	Children:	Initials	Initials			Initials	Ini	tials	
		Lived with	n		from	1	1	_ to	_/	_1
			Adult name		mm	dd	yyyy	mm	dd	yyyy
		At								
		City			State					
	ii.	Children:	,							
			Initials	Initials	Initials		Initials	Ini	tials	
		Lived with	า		from	1	1	to	1	1
			Adult name		mm	dd	уууу	mm	dd	уууу
		At								
		City			State					
	iii.	Children:					-	TO 55		
			Initials	Initials	Initials		Initials	Ini	tials	
		Lived with	1		from	1	/	to	1	1
		= # WW	Adult name		mm	dd	yyyy	mm	dd	yyyy
		At								
		City			State					

Initials

Initials

Initials

Initials

Rule 17.200-Form 215: Answer to Petition for Dissolution of Marriage with Children, continued Lived with Adult name State City Children: Initials Initials Initials Initials Initials Lived with from mm State Check this box if you have attached a separate sheet listing additional children. If the children have been in Iowa for less than six months, the court may not be able to issue an order about custody or visitation. The rules are complicated, and you may need to talk to an attorney. E. Petitioner's residence The only reason that Petitioner (your spouse) is living in lowa is just to get a divorce. False If Petitioner does not live in Iowa, or if Petitioner lives in Iowa for reasons other than just to get a divorce, check "False." (2) If you disagree with paragraph 2E(2) of the Petition (201), fill in the blanks. Petitioner has lived in Iowa for the last _____ years and ____ months ____ county. F. Parties' residence Check each that is true Petitioner (your spouse) has lived in lowa for more than one year. If you did not check (1) or (2), you should talk to an attorney. (2) Respondent (you are Respondent) is a resident of Iowa. G. Condition of the marriage Check all that are true The marriage is broken and cannot be saved. (2) This is the only divorce case going on in involving this marriage. If you did not check (2), explain in 4. You should also talk to an attorney. (3) Petitioner did not file the Petition in good faith for the purpose of ending the marriage. (4) Counseling will not save the marriage. If counseling may save the marriage, do not check (4). H. Respondent's status Check each that is true Respondent (you are Respondent) is in the military service. There are special rules that may prevent this dissolution from going forward if you are in the

military. You should talk to an attorney.

Rule 17.200—Form 215: Answer to Petition for Dissolution of Marriage with Children, continued

		(2)		Resp	ondent is in prison or jail at	in .
			87-2		Name of facility	State
					are in prison or jail, you may be entitled to a "guardian ad litem," a persey, appointed to protect the interests of a spouse in some cases.	on, usually an
	I.	Pro	tec	tive or	no contact orders	
		Che	eck c	one		
		(1)	0		e is neither a "protective order" nor a "no contact order" between Responer (your spouse).	ondent (you) and
		(2)	0	There	e is a "protective order" or "no contact order" between Respondent and	d Petitioner.
			81 - 8	If you	check (2), fill in the following information:	
				a. C	county and state where the order came from:	
					County	State
				b. C	Court case number:	
3.	71(6)	ther eck A	, 1971119		About the Children	
	A.				information in 3 in the Petition about other cases about the chi skip to 4.	ildren is correct.
	В.	$\overline{\bigcirc}$	So	me or	all of the information in 3 in the Petition about other cases a	about the
					is not correct. The correct information is:	
		If y	ои с	heck B,	fill in the correct information below.	
		(1)		venile d		
			Ch	eck a oi	rb.	
			a.	\simeq	here is no juvenile court case.	
			b.		here is a juvenile court case. The correct information is:	
				If you	check b, fill in the following information:	
				i. C	County and state of the juvenile court case: County	State
				:: 0		State
					Court case number:	
					Theck one	
					a) Concurrent jurisdiction has been granted.	
				(k	b) Concurrent jurisdiction has not been granted.	
					If the juvenile court has not given concurrent jurisdiction (permission), then come be decided in this case. You should talk to an attorney.	hild custody cannot
		(2)		stody o		
			Ch	eck a or		
			a.	\simeq	here is no custody order.	
			b.		here is a custody order.	
				If you	check b, fill in the following information:	
				i.		- Crass
				500	County	State
				ii.	Court case number:	

Rule 17.200-Form 215: Answer to Petition for Dissolution of Marriage with Children, continued (3) Child support order Check a or b.) There is no child support order. There is a child support order. If you check b, fill in the following information: County and state where the child support order came from: State County Court case number: 4. Other Information Respondent denies anything in the Petition that Respondent has not agreed is correct. In addition, Respondent provides the following information: All of the basic information you need to tell the court is on this form. Provide other information only if you need to explain something. 5. Respondent's Request A. Respondent asks the court to: Check all that apply. The court will only consider items that are checked. If you do not know what you want, talk to an attorney. End the marriage of Respondent (you) and Petitioner (your spouse). Decide custody and visitation. (3) Order child support and medical support. (4) Order payment of school or college tuition. (5) Fairly divide the property and the debts of the parties. (6) Order that Petitioner pay the court fees. (7) Order that Petitioner pay for Respondent's attorney's fees before the divorce is final If you check (7), you must file form 222. (8)
Order that Petitioner pay spousal support (alimony) to Respondent.

Name can only be changed to name on birth certificate or name used immediately prior

to the marriage.

If you check (8), you must file form 222.

(9) Change Respondent's last name to:

Print your former or birth name

(10) ☐ Order counseling to save the marriage.

(11) Other request:

Rule 17.200—Form 215: Answer to Petition for Dissolution of Marriage with Children, continued

6.	Attorney Help										
	Check one										
	A. An attorney did not help me prepare or fill in this paper.										
	B. An attorney helped me prepare or fill in this paper.										
	If you check B, you must fill in the following information:										
	Name of attorney or organization, if any Attorney's P.I.N. # – Ask the attorney										
	Business address of attorney or organization City State ZIP code										
	()										
	Attorney's phone number Attorney's fax number – optional Attorney's email address – optional										
7.	Service Instructions										
	If Respondent is filing in paper										
	Check one										
	A. Respondent will accept service of documents at the attorney's address listed above; or										
	B. Respondent will accept service of documents in this case at the mailing address below.										
8.	Certification of Service by Mailing or Delivery Section 8 to be completed only if filing in paper or if the other party is exempt from electronic filing.										
	This document, if filed electronically, will automatically be served on registered parties.										
	I,, certify that on, 20										
	I,, certify that on, 20										
	I mailed or gave a copy of this Answer to the other party or the other party's attorney at this										
	address:										
	Name of person to whom I delivered or mailed it										
	Party's or attorney's mailing address City State ZIP code										

Continued on next page

Rule 17.200—Form 215: Answer to Petition for Dissolution of Marriage with Children, continued

9.	Oath and Signat	ure						
	l,			, have read this a	Answer, an	d I certify	under penalty	
	of perjury and purs in this Answer is tru		correct.	State of lowa th	at the infor	mation I	have provided	
	Signed on: Month	Day	, 20 	Your signature*				
	Mailing address			City		State	ZIP code	
	() Phone number	-	Email address		Additional	email add	te ZIP code address – if available u are filing electronically,	
	* Whether filing electron scan the form after sign				re on this form	. If you are	filing electronically	

Important Instructions for filing this form on next page.

Instructions for Rule 17.200-Form 215: Answer to Petition for Dissolution of Marriage with Children, continued

Do not file these instructions

Instructions for Filing an Answer to a Petition for Dissolution of Marriage with Children

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically
 file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented)</u>
 for eFiling on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you
 when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see How to eFile to an Existing Case.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the efiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must
 mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where
 the Petition was filed. The county is listed at the top of the Petition (form 201).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, or mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you should serve the Answer by mailing a copy to the attorney at the attorney's address on the Petition if box 7A on the Petition is checked.

Do not file these instructions

December 2013 Instructions for Rule 17.200—Form 215

Page 1 of 1

Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children

Respondent: You must file an Answer in the county where the Petition was filed within **20 days** after receiving the Petition and Original Notice, or the **court may enter a judgment against Respondent** giving Petitioner what he or she asked for in the Petition.

If the Petition you received is on form 201, use form 215 for your Answer.

Read the <u>Guide to Representing Yourself in an Iowa Divorce Case</u> on the Iowa Judicial Branch website before using this form.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (211).
- If filing in paper, you may use form 211 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County where Petition is filed
Upon the Petition of	Equity case no
Petitioner You spouse's full name: first, middle, last	General Answer to a Petition for Dissolution of Marriage
and concerning	with Children
Respondent Your full name: first, middle, last	-

- 1. Respondent's Answer You are Respondent.
 - A. Respondent admits that the following paragraphs in the Petition are true:

List the numbers of the paragraphs in the Petition that you think are true. If you decide later that the paragraphs you list here are not true, it may be too late to change your answer.

- B. Respondent denies that the following paragraphs in the Petition are true:
- C. Respondent does not know whether the following paragraphs in the Petition are true:

List the numbers of the paragraphs in the Petition that you are not sure about. If you cannot say a paragraph or a part of a paragraph is true or not true, it may be because you do not know something, such as a date, place, or when something happened.

Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children, continued

D. Children's living arrangements

Places where the children have lived during the last five years and the parent(s) or adult(s) who acted as parents:

(1)	Children:									
	Initials	Initials		Initials		In	itials	Is	nitials	
	Lived with			from	9	/	_/	_ to	/	_/
	Adult name				mm	dd	yyyy	m	n dd	yyyy
	At City		<u> </u>							
	City		State	2						
(2)	Children:	· —								
	Initials	Initials		Initials		In:	itials	Ii	nitials	
	Lived with			from	ş	/	/	_ to	/	_/
					mm	dd	yyyy	m	n dd	yyyy
	At		State	2						
	City		Sian							
(3)	Children:	Initials		Initials			itials		nitials	
	muus	minais								
	Lived with			from		_/	_ / 	_ to	//	_/
					mm	ии	уууу	m	n aa	yyyy
	At		State	2						
/ 4\	70.000 (C)									
(4)	Children:	Initials		Initials		In:	itials	— <u>I</u>	nitials	
	73			-					15	. 70
	Lived with			. from	mm	-/ <u></u>	_ /	_ to _	n / dd	- /
							,,,,			0000
	At City		State	2						
(5)	Children:									
(0)	Initials	Initials		Initials		In	itials	<i>I</i>	nitials	
	Lived with			from		1	7	to	1	1
	Lived with			. 110111	mm	dd	-	_ to _	n dd	_ '
	At									
	City		State	2						
	☐ Check this box if you h	ave attached	l a sepa	rate she	et listi	ng ado	ditional ch	hildren.		
	If the children have not li able to get custody. The	ived in Iowa fo	or six mo	onths, you	u may l	be able	to get a di	vorce, b	ut you mi	ght not be

E. Protective or no contact orders

Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children, continued

	Che	eck on	e					
	(1)			is neither a "prote ner (your spouse)	ective order" nor a ").	no contact o	rder" between Res	pondent (you) and
	(2)			the officers again to	der" or "no contact e following informat		een Respondent ar	nd Petitioner.
			a. Co	ounty and state wh	ere the order came t			
						County		State
			b. Co	ourt case number:	i.			
F.	Otl	her c	ases	about the child	ren			
	$Ch\epsilon$	eck (1)) or (2)					
	(1)	O	There	are no other cas	ses about the child	ren. If you ch	neck (1), skip to G.	
	(2)	Ō:	There	are other cases	about the children	Ü		
	abo	ut cus	tody o	r visitation. The r	te about the children	l and you ma		
	If y	ou che	eck F(2	.), fill in the applic	able information be	·low.		
	a.		enile co					
		Chec	ki or i	TO				
				ere is no juvenile				
		ii.		ere is a juvenile co				
				925 175	following information			
			(a) Cc	ounty and state of	the juvenile court ca	se: County		State
			ul. (d)	venile court case r	number:	, 1.000 SA 100 PC		
		2	*******	neck (i) or (ii)	<u> </u>			
			(i)	A-1 02 0	jurisdiction has beer	n aranted		
			(ii)		jurisdiction has not l	- 		
			()		irt has not given concu			child custody cannot
	and the second	_		be decided in this	case. You should talk			omic ouscody outliner
	b.		tody o		austady in Tayra if th	ara is a sust	dri andan antanad in	another state
			k i or i	EU	custody in Iowa if th	iere is a cusio	dy order entered in	another state.
		i.	☐ Th	nere is no custod	y order.			
		ii.	□ Th	nere is a custody	order.			
		į.	If you o	check ii, fill in the	following informatio	on:		
			(a) Co	ounty and state wh	ere the custody orde	er came from		
							County	State
			(b) Co	ourt case number:			- 9	

Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children, continued

	C.	Ch	ild s	upport order		
		Ch	eck i	or ii.		
		İ.		There is no child support order.		
		ii.		There is a child support order.		
	If you check ii, fill in the following information:					
			(a)	County and state where the child support order came from:	N 30 3	
					County	State
			(b)	Court case number:	- x	
G.	Re	spo	nde	nt denies anything in the Petition that is not admit	tted in this Answer.	
Н.	Ot	her	info	rmation:		

2. Respondent's Request If you do not know what you want, talk to an attorney.

Respondent asks the court to: Write here what you would like the court to do. For example, tell the court if you want a divorce. Be brief. Do not write long descriptions.

Continued on next page

3. Attorney Help

Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children, continued

	Check one
	A. An attorney did not help me prepare or fill in this paper.
	B. An attorney helped me prepare or fill in this paper.
	If you check B, you must fill in the following information:
	Name of attorney or organization, if any Attorney's P.I.N. # – Ask the attorney
	Business address of attorney or organization City State ZIP code
	(
L	Service Instructions
	If Respondent is filing in paper
	Check one
	A. Respondent will accept service of documents at the attorney's address listed above; or
	B. Respondent will accept service of documents in this case at the mailing address below.
j.	Certification of Service by Mailing or Delivery
	Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically, will automatically be served on registered parties.
	I,, certify that on, 20
	Print your name Month Day Year
	I mailed or gave a copy of this Answer to the other party or the other party's attorney at this address:
	addiooc.
	Name of person to whom I delivered or mailed it
	Party's or attorney's mailing address City State ZIP code
i.	Oath and Signature
	I have read this Annual and Leatife condenses the
	I,, have read this Answer, and I certify under penalty
	of perjury and pursuant to the laws of the State of lowa that the information I have provided
	in this Answer is true and correct.
	Signed on: Month Day Year Your signature*
	Signed On. Month Day Teal Told Signature
	Mailing address City State ZIP code
	()
	Phone number Email address Additional email address, if applicable
	* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically
	Important Instructions for filing this form on next page.
	er dan seles aan

Instructions for Rule 17.200—Form 216: General Answer to a Petition for Dissolution of Marriage with Children

Instructions for Filing an Answer to a Petition for Dissolution of Marriage with Children

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

☐ Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically file.
 For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented) for eFiling</u> on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when
 you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see <u>How to eFile to an Existing Case</u>.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the efiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must
 mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- · Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where the Petition was filed. The county is listed at the top of the Petition (form 201).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, or mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you may serve the Petition by mailing a copy to the attorney at the attorney's address.

Do not file these instructions

December 2013

Instructions for Rule 17.200-Form 216

Page 1 of 1

[Court Order December 19, 2013]

Forms 217 to 220: Reserved

Rule 17.200—Form 221: Affidavit for Temporary Custody and Visitation

Form 221 is for either party to tell the court about custody and visitation before the case is finished, or to have a witness tell the court about custody and visitation before the case is finished.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

County where the case is filed
Equity case no
Affidavit for Temporary Custody and Visitation
last arty; or initials of child (Do not use child's full name.)
this Affidavit to determine temporary custody and were present in court, I would testify as follows:
ached. ued on next page

Rule 17.200—Form 221: Affidavit for Temporary Custody and Visitation, continued

	Attorney Help Check one									
	A. An attorney did not help me prepare or fill in this paper.									
	B. An attorney helped If you check B, you mus	me prepare or	fill in this paper.							
	Name of attorney or org	ganization, if any	Attorney's P.I.	N. # $-Ask$ the attorn	orney					
	Business address of atto	orney or organiza	tion City	State	ZIP code					
	()_ Attorney's phone numbe	er (Attorne	y's fax number – optiona	Attorney's ema	til address – optiona					
3.	Oath and Signature of	Witness								
	I,, certify under penalty of perjury and pursuant to the									
	l,		certify under penalt	y of perjury and p	ursuant to the					
	laws of the State of Iowa that in this Affidavit is true and co	it I have read th								
	laws of the State of Iowa tha	it I have read th	nis Affidavit and that							
	laws of the State of Iowa tha	it I have read th								
	laws of the State of lowa that in this Affidavit is true and co	at I have read the prrect. , 20	nis Affidavit and that							
	laws of the State of lowa that in this Affidavit is true and considerable	at I have read the priect, 20	Your signature*	the information I h	have provided					
	laws of the State of lowa that in this Affidavit is true and considerable and considerable and some signed on: Month Day	at I have read the prrect. , 20	Your signature*	the information I h	have provided					
	laws of the State of lowa that in this Affidavit is true and considerable	at I have read the priect.	Your signature* City Andwrite your signature of	the information	nave provided ZIP code ress - if available					

Rule 17.200—Form 222: Motion in a Dissolution of Marriage with Children

Use this form if you want to ask the court to do something after your court case has already started.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

County In the Iowa District Court for County where your case is filed Upon the Petition of Equity case no. _ Motion in a Dissolution of Petitioner Full name: first, middle, last Marriage with Children and concerning Respondent Full name: first, middle, last lam Check one Petitioner Respondent 1. Request A. I ask the court to Check all that apply. If you check any box in A, you must tell the court why you are making this request in B. (1) Change the hearing date that has been set for Month (2) Award me temporary financial support. (3) Order temporary custody and visitation. (4) Order temporary child support and medical support. (5) Order counseling (conciliation). (6) Set a hearing date for a divorce Decree by default. (7) Shorten the 90-day waiting period for getting a divorce Decree. (8) Award me attorney's fees before the divorce is final. (9) Award spousal support (alimony) to me before the divorce is final. (10) Order genetic testing to decide paternity and require that Petitioner, Respondent, and child appear for testing. (11) Appoint an attorney to represent the child (required when asking to disestablish paternity). Continued on next page

Rule 17.200—Form 222: Motion in a	Dissolution of Marriage with Children, continued
(12) Other request	Explain
 B. I am making the requ 	est(s) in this Motion because:

Continued on next page

2. Attorney Help

Rule 17.200—Form 222: Motion in a Dissolution of Marriage with Children, continued

	Check one			
	A. An attorney did not help me prep	pare or fill in this pape	r.	
	B. An attorney helped me prepare of			
	If you check B, you must fill in the follo	1/51 (45)		
	J / J J J			
	Name of attorney or organization, if an	Attorney's P.I.1	V. # $-Ask$ the attorn	ney
	Business address of attorney or organiz	zation City	State	ZIP code
	()	1		
	(ney 's fax number – optional	Attorney's ema	til address – optional
•	Contification of Commiss by Mailing	an Dalinama		
ა.	Certification of Service by Mailing Section 3 to be completed only if filing in paper		mnt from electronic	filino
	This document, if filed electronically, will autom			jung.
		(-)	-	20
	Print your name	_, certify that on $\underline{\hspace{2cm}}_{Mont}$	h Day	y Year
	I mailed or gave a copy of this Motion to	the other party or the	e other party's at	torney at this
	address:	8.	\$ 15.	
	Name of person to whom I delivered or mailed in	t		
	Party's or attorney's mailing address	- City	State	ZIP code
4	Oath and Signature			
-	I,			
	I,	_, certify under penalty	or perjury and p	ursuant to the
	laws of the State of lowa that I have read	this Motion and that th	e information I ha	ave provided in
	this Motion is true and correct. I ask the co			are provided in
	, 20	- :		
	Signed on: Month Day Year	Your signature*		
	Mailing address	City	State	ZIP code
	Phone number Email address	- A	dditional email addi	ress – if available
				y crance
	* Whether filing electronically or in paper, you must		this form. If you are	filing electronically,
	scan the form after signing it and then file electron	ically.		
Dec	ember 2013 Rul	le 17.200—Form 222		Page 3 of 3

Rule 17.200-Form 223: Response to a Motion

Use this form if your spouse has filed a Motion (most likely form 222) and you disagree with what your spouse is asking the court to do in that Motion.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the lowa District Court for	County where your case is filed
u	lpon the Petition of	Equity case no
P	Petitioner Full name: first, middle, last	Response to a Motion
а	nd concerning	
R	Respondent Full name: first, middle, last	
	A. O Petitioner B. O Respondent Motion The other party filed a Motion on	at apply. If you check any box in B, you must tell the court
	(2) Order temporary financial supports (3) Order temporary custody and visible (4) Order temporary child support at (5) Order counseling (conciliation). (6) Set a hearing date for a divorce (7) Shorten the 90-day waiting periods (8) Award attorney's fees before the (9) Award spousal support (alimony).	Month Day Year ort. sitation. Ind medical support. Decree by default. Ind for getting a divorce Decree. Indedical support of the state of the s

Rule 17.200—Form 223: Response to a Motion, continued
(10) Order genetic testing to decide paternity and require that Petitioner, Respondent, and child appear for testing.
(11) Appoint an attorney to represent the child (required when asking to disestablish paternity).
(12) Other request Explain
C. I disagree with the Motion because:

Continued on next page

Rule 17.200—Form 223: Response to a Motion, continued

3.	Attorney Help							
	Check one							
	A. An attorney did not help me prep	pare or fill in this paper.						
	B. An attorney helped me prepare of	or fill in this paper.						
	If you check B, you must fill in the follo							
	Name of attorney or organization, if an	y Attorney's P.I.N. #	Ask the attorney	!				
	Business address of attorney or organiz	cation City	State	ZIP code				
	())						
	Attorney's phone number (ney 's fax number – optional	Attorney's ema	il address – optionai				
4	Cartification of Sarvine by Mailing	or Dolivory						
4.	Certification of Service by Mailing Section 4 to be completed only if filing in paper of		ot from electronic	filing.				
	This document, if filed electronically, will autom		An in-particular and the rest American School and Marie Inc. Oct.	, 3				
	L	. certify that on		. 20				
	l,	Month	Day	Year				
	I mailed or gave a copy of this Response	e to the other party or th	ne other party's	s attorney at				
	this address:	,	, , , , , ,	,				
	Name of person to whom I delivered or mailed it	7						
	Name of person to whom I delivered or matted it							
	<u></u>	_ '4		-				
	Party's or attorney's mailing address	City	State	ZIP code				
5	Oath and Signature							
٠.	CONT. See STORMS. Lead to The Control of the Contro	100	125 178 (61)					
	I,							
	laws of the State of Iowa that I have read this Response and that the information I have provided							
	in this Response is true and correct.							
	20							
	Signed on: Month Day Year	Your signature*						
	Security Control (Security Security Sec	Service Commence of the Commen						
	and the second decision							
	Mailing address	City	State	ZIP code				
	()							
	Phone number Email address	Addi	tional email addr	ess – if available				
	* 7771 . 1 . Ol 1	1 1	T.	01: 1 11				
	* Whether filing electronically or in paper, you must scan the form after signing it and then file electron		is form. If you are j	tiling electronically,				
	sean me joint after signing it and men jue efection	creery.						
Dec	ember 2013 Rul	e 17 200—Form 223		Page 3 of 3				

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children

Each party must complete one of these forms. Provide as much information as you can.

Caution: This form may require you to provide protected or sensitive information.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (211), if you have not already done so.
- f filing in paper, you may use form 211 to provide any protected information in full if you have not already done so.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County
	County where your case is filed
Upon the Petition of	Equity case no.
Petitioner Full name: first, middle, last	Financial Affidavit for a Dissolution of Marriage with Children
and concerning	
Respondent Full name: first, middle, last	
l am	
Check one	
A. Petitioner	
B. Respondent	
l <u>.</u> Print vour name	, state that this is a true and complete statement
of my assets, debts, and present in	come as of theday of, 20
1. Assets Things you and your spouse own.	*
A. Real estate Attach additional sheets if necessary.	
*Owner (Whose name is on the deed?): $P = Pc$	etitioner $R = Respondent \ J = Joint (Both)$

Type of real estate	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1) Homestead Address of the home you own & where you usually live		\$	\$ to:	\$
(2) Other real estate Address of other houses, apartments, or land that you own.		\$	\$ to:	\$

[☐] Check this box if you have attached a sheet with additional information on real estate.

Rule 17.200-Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

B. Vehicles

Includes cars, trucks, motorcycles, and other motorized vehicles.

*Owner (Whose name is on the car or vehicle title?): P = Petitioner R = Respondent J = Joint (Both)

Vehicles Make (e.g. Ford) Year	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net Value Market value minus debt owed
(1)		\$	\$	\$
		Ψ	to:	Ψ.
(2)		•	\$	6
		\$	to:	\$
(3)		¢	\$	\$
		\$	to:	

Check this box if you have attached a sheet with additional information on vehicles.

C. Securities, stocks, & bonds

*Owner (Whose name is on the securities, stocks, or bonds?):

P = Petitioner R = Respondent J = Joint (Both)

Securities, stocks, & bonds Company name	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1)		\$	\$	\$
(1)		Ψ	to:	<u> </u>
(2)		\$	\$	\$
(2)		Ψ	to:	
(3)		\$	\$	\$
(0)			to:	Φ

[☐] Check this box if you have attached a sheet with additional information on securities, stocks, and bonds.

D. Life insurance

*Owner (Whose name is on the policy?): P = Petitioner R = Respondent J = Joint (Both)

Life insurance Company name	Owner*	Cash value Not death benefit	Loan from cash value Total amount still owed on loan	Net value Cash value minus loan owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

[☐] Check this box if you have attached a sheet with additional information on life insurance.

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

E. Bank accounts

*Owner (Whose name is on the checking or savings account?): P = Petitioner R = Respondent J = Joint (Both)

Checking & savings accounts Bank or Credit Union name If you do not use bank accounts, write "Cash"	Owner*	Cash value	Personal loans or overdraft accounts Total amount you still owe on it	Net value Cash value minus loan / overdraft owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

[☐] Check this box if you have attached a sheet with additional information on checking and savings accounts.

F. Household contents

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Household contents Describe	Owner* P,R,J	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1) Furniture		\$	\$	\$
a.		Ψ .	to:	Φ
b.		\$	\$	\$
D.		Φ	to:	Φ
C.		\$	\$	\$
C .		Ψ	to:	Ψ
d.		\$	\$	\$
u.		to:	Ψ	
(2) Appliances / Electronics		\$	\$	\$
a.			to:	
b.	\$	\$	\$	
D.		D D	to:	Ψ
C.		\$	\$	\$
0.		Ψ	to:	Ψ
d.		\$	\$	\$
- G.		Ψ	to:	Ψ
(3) Other contents		\$	\$	c
a.		Ψ	to:	\$

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

b.	\$	\$ to:	\$
C.	\$	\$ to:	\$

[☐] Check this box if you have attached a sheet with additional information on household assets.

G. Retirement assets

*Owner (Whose name is on the retirement account?): P = Petitioner R = Respondent J = Joint (Both)

Retirement assets Examples: Pensions, IRAs, 401(k)s, annuities, etc.	Owner*	Market value What it would sell for	Loan from retirement account Total amount you still owe on it and to whom owed	Net value Market value minus loan owed
(1)		\$	\$ to:	\$
(2)		\$	\$	\$
(-)	,		to:	· ₹ ·
(3)		\$	\$	\$
		*	to:	

[☐] Check this box if you have attached a sheet with additional information on retirement assets.

H. Other assets

Items not listed in the other boxes should be listed here. For example: jewelry, furs, guns, sporting goods, farm animals.

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Other assets Describe	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1)		\$	\$ to:	\$
(2)		\$	\$	\$
			to:	
(3)		\$	to:	\$

[☐] Check this box if you have attached a sheet with additional information on other assets.

Rule 17.200-Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

I. Totals

(1) Total from attached sheets	Listed in 1A-H.	\$
(2) Total net value of assets	Listed in 1A-H.	\$ 0.00

2. Other Debts

Debts may include things such as past due balances on utilities, money owed to a landlord for damages after moving, credit card debt, and loans from friends, family, or banks.

Include as "Other Debts" money you or your spouse owe that you did not include in the "Debt" or "Loan" columns in 1A-H.

*Whose debt is it? P = Petitioner R = Respondent J = Joint (Both)

Other debts List only those not included as "debt" or "loans" under "Assets" in part 1.	Whose debt?*	Amount owed
A.,		\$
B.		\$
C.		\$
D.		\$
E.		\$
F.		\$
G.		\$
H.		\$
L		\$
J.		\$
K.		\$
L.		\$
M.		\$
N.		\$
O. Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on other debts and enter the total.		\$
Total other debts Including amounts shown on attached sheets, if any.	•	\$

Continued on next page

Rule 17.200-Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

3. Income and Deductions

The deductions listed in section 3 are the deductions allowed by the Iowa Child Support Guidelines and are subtracted when determining net income.

A. Petitioner

(1) Income and Deductions If you are Respondent, give your best estimate for each amount. *How often is income paid or deduction taken?

 $W = Weekly \quad B = Bi$ -weekly (every other week) $M = Monthly \quad T = Two times a month$

Current income and deductions	Ir	ncome	Dec	ductions
for Petitioner Sources of income and deductions, not including Social Security benefits	How often paid?* W,B,M,T	Gross amount Before deductions	How often taken?* W,B,M,T	Amount of deduction
Wages from employer Employer name: Job title:		\$		\$
b. Wages from employer Employer name: Job title:		\$		\$
c. Unemployment assistance		\$		\$
d. Workers' compensation		\$		\$
e. Pension / Retirement		\$		\$
f. Veteran's benefits		\$		\$
g. Other Identify:		\$		\$
h. Other Identify:		\$		\$
i. Other Identify:		\$		\$
j. Mandatory pension contribution List required contribution only (e.g. IPERS, TIAA/CREF). Contributions above the required amount are optional and not allowed as a deduction.				\$
k. Union Dues				\$
**I. Prior court-ordered child support Paid to:				\$
**m Prior court-ordered medical support Paid to:				\$
**n. Prior court-ordered spousal support (alimony) Paid to:				\$
 Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on Petitioner's income and deductions. 		\$		\$
Totals Current income and deductions for Petitioner		\$ 0.00 Income total		\$ 0.00 Deductions total

^{**}Under "Amount of deduction," list the amount of child support or spousal support actually paid under a prior court order (an order filed before this action). If child support payments were not made through the Child Support Recovery Unit, attach proof of payments for the past 12 months.

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

Do not include any child	ren involvea				
First, middle, & last initials of each child	Birth yea		niddle, & last of each child	Birth yea	ır
L.		iv.			
ii.		v.			
iii.		vi.			
Check this box if you Petitioner is the legal Petitioner's actual ch	<i>l parent.</i> ild care ex	penses due to	employment, i	if any:	
For custodial parent only \$ per Amount	Frequency	-	varent, skip to (4)).	
Petitioner's income fr	om Social	Security bene	fits, if any:		
a. Supplemental Se	curity Inco	me (SSI), if an	y:		
 a. Supplemental Sec i. Supplemental Sec ii. Supplemental Sec iii. List the children 	curity Income	(SSI) paid to Pet	itioner for disabilit	ability: \$	per mo
Supplemental Sec Supplemental Sec	curity Income curity Income in Petitione	(SSI) paid to Pet	itioner for disabilit	ability: \$efits <i>Use init</i>	per mo
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, &	curity Income curity Income in Petitione	e (SSI) paid to Pet e (SSI) paid to chil er's home who re	itioner for disabilit dren for their disa eceive SSI bene First, middle	ability: \$efits <i>Use init</i>	per mo
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each	curity Income curity Income in Petitione	e (SSI) paid to Pet e (SSI) paid to chil er's home who re	dren for disabilitioner for their disaccive SSI bene First, middle initials of ea	ability: \$efits <i>Use init</i>	per mo
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a)	curity Income curity Income in Petitione	e (SSI) paid to Pet e (SSI) paid to chil er's home who re	dren for disabilitioner for their disacceive SSI bene First, middle initials of ea	ability: \$efits <i>Use init</i>	per mo
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a) (b) (c) Check this b Supplemental	curity Income curity Income in Petitione last child ox if you have al Security In	e (SSI) paid to Pete (SSI) paid to chile (SSI) paid to chile er's home who re Birth year	ritioner for disabilitioner for their disabilitioner for their disabilitioner for their disabilities of east of the control of	shility: \$ fits Use init e, & last ch child	per mo ials only: Birth year
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a) (b) (c) Check this b	curity Income curity Income in Petitione last child ox if you have al Security In	e (SSI) paid to Pete (SSI) paid to chile (SSI) paid to chile er's home who re Birth year	ritioner for disabilitioner for their disabilitioner for their disabilitioner for their disabilities of eactive SSI bene First, middle initials of eactive (d) (e) (f) et listing additioner security Retire	shility: \$	per mo
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a) (b) (c) Check this b Supplemental b. Social Security D i. Benefit paid for F	curity Income curity Income in Petitione last child ox if you have al Security Ir	e (SSI) paid to Pete (SSI) paid to chile (SSI) paid to chile er's home who re Birth year	ritioner for disabilitioner for their disabilitioner for their disabilitioner for their disabilities of ease ceive SSI bene First, middle initials of ease (d) (e) (f) (g) (f) Security Retire	shility: \$	per mo ials only: Birth year ho receive R), if any: per month
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a) (b) (c) Check this b Supplemental b. Social Security D i. Benefit paid for F	curity Income curity Income in Petitione last child ox if you have al Security Ir isability (S Petitioner each child in	e (SSI) paid to Pete (SSI) paid to chile (SSI) paid to chile er's home who re Birth year Birth year ere attached a sheet acome (SSI). SD) or Social Septitioner's home	ritioner for disabilitioner for their disabilitioner for their disabilitioner for their disabilities of ease ceive SSI bene First, middle initials of ease (d) (e) (f) (g) (f) Security Retire	shility: \$ fits Use init e, & last ch child al children w	per mo ials only: Birth year ho receive R), if any: per mont
i. Supplemental Sec ii. Supplemental Sec iii. List the children First, middle, & initials of each (a) (b) (c) Check this b Supplemental b. Social Security D i. Benefit paid for Fiii. Benefit paid for Fiii.	curity Income curity Income in Petitione last child	e (SSI) paid to Pete (SSI) paid to chile (SSI) paid to chile er's home who re Birth year we attached a sheet acome (SSI). SD) or Social Service of the sheet accome (SSI).	ritioner for disabilitioner for their disabilitioner for their disabilitioner for their disabilitioner for their disabilitioner for their disabilities of eactive Security Retire	shility: \$ fits Use init e, & last ch child al children w	per mo ials only: Birth year

Rule 17.200-Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

First, middle, & last initials of each child	Birth year	Firs initi
(a)		(d)
(b)		(e)
(c)		(f)

First, middle, & last initials of each child	Birth year
(d)	
(e)	
(f)	

[☐] Check this box if you have attached a sheet listing additional children who receive Supplemental Security Income (SSD).

B. Respondent

(1) Income and Deductions If you are Petitioner, give your best estimate for each amount.

*How often is income paid or deduction taken?

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

Current income and deductions	Ir	ncome	Dec	luctions
for Respondent Sources of income and deductions, not including Social Security benefits	How often paid?* W,B,M,T	Gross amount Before deductions	How often taken?* W,B,M,T	Amount of deduction
a. Wages from employer Employer name: Job title:		\$		\$
b. Wages from employer Employer name: Job title:		\$		\$
c. Unemployment assistance		\$		\$
d. Workers' compensation		\$		\$
e. Pension / Retirement		\$		\$
f. Veteran's benefits		\$		\$
g. Other Identify:		\$		\$
h. Other Identify:		\$		\$
i. Other <i>Identify:</i>		\$		\$
j. Mandatory pension contribution List required contribution only (e.g. IPERS, TIAA/CREF). Contributions above the required amount are optional and not allowed as a deduction.				\$
k. Union Dues				\$
**I. Prior court-ordered child support Paid to:				\$
**m.Prior court-ordered medical support Paid to:				\$
**n. Prior court-ordered spousal support (alimony) Paid to:				\$

Rule 17.200—	-Form 22	4: Financial Affidavi	it for a Di	ssolution of M	larriag	ge with	Children, contin	nued	
☐ Check ti	his box if val inforn	ched sheets, if any Syou have attached a nation on Responden		201		\$;		\$
Totals Current inco	me and a	leductions for Respo	ndent				0.00 ncome total	è	\$ 0.00 Deductions total
(an order fi	led befor	eduction," list the are this action). If chil r the past 12 months	d support						
(2)	provide List the	ondent's other c as much informat initials and birth y include any childr	ion as yo vear of e	u can. ach child for	· whon				
	First,	middle, & last s of each child	Birth		Firs		dle, & last each child	Birth yea	ır
	i.				iv.				
	ii.				v.				
	iii.				vi.				
		eck this box if you spondent is the leg			t listir	ng ada	litional childre	n for whom	
(3)		ondent's actual stodial parent only.		10			7 252	200	
	\$ <u></u>	per	Freque	псу					
(4)	Respo	ndent's income	from S	Social Seci	urity	bene	fits, if any:		
	a. Su	ipplemental Se	curity In	come (SS	l), if	any:			
	i.	Supplemental Sec	urity Inco	ome (SSI) pa	id to I	Respo	ndent for disab	oility: \$	per month
	ii.	Supplemental Sec	urity Inco	ome (SSI) pa	id to	childre	n for their disa	bility: \$	per month
	iii.	List the children	in Resp	ondent's ho	me v	vho re	eceive SSI be	nefits <i>Use i</i>	initials only:
		First, middle, & initials of each		Birth yea	ar	2	First, middle initials of each		Birth year
		(a)					(d)		

☐ Check this box if you have attached a sheet listing additional children who receive Supplemental Security Income (SSI).

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

b.	Social Security Disability (SSI) or Social Security	Retirement (SSR), if a	ıny:
	i. Benefit paid for Respondent	\$	p	er month
	ii. Benefit paid for each child in Re	spondent's home \$	p	er month
	iii. Number of children receiving be	nefits	children	
c.	Social Security Disability (SSI), if any:		
	i. Paid to children for their disabilit	y: \$	p	er month
	ii. List the children in Respondent's	home who receive SSE	benefits Use initials only:	
	First, middle, & last initials of each child Birth		, middle, & last Is of each child	th year
	(a)	(d)		
	(b)	(e)		
	(c)	(f)		
A. Costs	Health Insurance, Medical for Petitioner If you are Respondentitioner has health insurance at True False If you check a, list the frequency and If you check b, continue to (2) . *How often paid? $W = Weekly$ E $T = Two times a month$	give your best estimate govailable through em cost of health insurance Bi-weekly (every other	For each amount. Apployer. App	
	Type of employer health insuran	How often pa W,B,M,T	Cost	
	Single health insurance		\$	
	Family health insurance		\$	
(2) Pe a. b.	itioner has health insurance to True False If you check a, list the frequency and If you check b, continue to (3). *How often paid? $W = Weekly$ E $T = Two$ times a month	cost of health insurance	paid.	

) True False

If you check b, continue to (4).

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

Type of other health insurance	How often paid?* W,B,M,T	Cost
Single health insurance		\$
Family health insurance		\$

(3) Petitioner pays medical support for the child or children as required by court order.

If you check a, list the frequency and cost of medical support paid.

	Medical support paid to	How often paid?* W,B,M,T	Cost	
			\$	
			\$	
			\$	
a. (titioner has dental insurance availab True False	ole through employe	r.	
D. (If you check a, list the frequency and cost of If you check b, continue to (5). *How often paid? $W = Weekly B = Bi-v$ $T = Two times a month$	~) $M = Monthly$	
	Type of employer dental insurance	How often paid?* W,B,M,T	Cost	
	Single dental insurance		\$	1
	Family dental insurance		\$	1
) Pet a. b.	titioner has dental insurance throug True False	h a source other tha	n employer.	
	If you check a, list the frequency of other de If you check b, continue to (6).	ntal insurance paid.		
			M - Montale	
	*How often paid? $W = Weekly$ $B = Bi-v$ $T = Two times a month$	veekly (every other week) M – Moninty	

Rule 17.200-Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

Type of other dental insurance	How often paid?* W,B,M,T	Cost
Single dental insurance		\$
Family dental insurance		\$

(6)	Petitioner	pays	other	medical	expenses	not	covered	by	insurance
(-)	Chilonon	P4,5	0	mearoar	CAPCITOCO	1100	0010104	~ ,	modiano.

a.	\bigcirc T	rue
b.	○ F	alse

If you check a, list the cost and frequency of other medical expenses paid that are not covered by insurance. Include all medical, dental, vision, etc. expenses as one lump sum.

If you check (6)b, continue to 4B, Costs for Respondent.

*How often paid? W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

How often paid?* W,B,M,T	Cost
	\$
	\$

B. Costs for Respondent If you are Petitioner, give your best estimate for each amount.

(1)	Respondent	has	health	insurance	available	through	employer
-----	------------	-----	--------	-----------	-----------	---------	----------

	$\hat{}$	
a.	$\bigcup Tr$	ue
h	○ Fa	alse

If you check a, list the frequency and cost of health insurance paid. If you check b, continue to (2).

*How often paid? W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

Type of employer health insurance	How often paid?* W,B,M,T	Cost
Single health insurance		\$
Family health insurance		\$

(2) Respondent has health insurance through a source other than employer	ı			
a True		2.2	ugh a source other th	nan employer.
			Respondent has health insurance thro a. True	

If you check a, list the frequency and cost of health insurance paid.

If you check b, continue to (3).

*How often paid? W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

order.

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

Type of other health insurance	How often paid?* W,B,M,T	Cost
Single health insurance		\$
Family health insurance		\$

(3) Respondent pays medical support for the child or children as required by court

a. True b. False If you check a, list the frequency and co If you check b, continue to (4). *How often paid? W = Weekly B = T = Two times a month Medical support paid to		M = Monthly Cost
		\$
 a. True b. False If you check a, list the frequency and configuration of the following of the foll	ost of dental insurance paid.	
*How often paid? $W = Weekly$ $B = T = T$ wo times a month	Bi-weekly (every other week)	M = Monthly
How often paid? $W = Weekly B =$	How often paid2	M = Monthly Cost
How often paid? $W = Weekly$ $B = T = Two times a month$	How often paid?	
How often paid? $W = Weekly$ $B = T = Two times a month$ Type of employer dental insurance	How often paid?	Cost

T = Two times a month

*How often paid? W = Weekly B = Bi-weekly (every other week) M = Monthly

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

Type of other dental insurance	How often paid?* W,B,M,T	Cost
Single dental insurance		\$
Family dental insurance		\$

		(6)	Re	spondent pays oth	ner medical exper	nses not covered by in	surance.
			a.	True			
			b.	False			
						f other medical expenses po on, etc. expenses as one lui	
				If you check (6)b, con	tinue to 5, Expenses.		
				*How often paid? W T = Two times a mon	•	veekly (every other week)	M = Monthly
				How often paid?* W,B,M,T	Cost		
					\$		
					\$		
5.	Ex	per	ıse	s			
	A.	Liv	ing	arrangements			
		Che	ck c	one			
		(1)	\bigcirc) My spouse and I liv	e in the same home		
		(2)	\subset	My spouse and I do	not live in the same	home.	

B. My expenses

Note: You must complete this section if you or your spouse want spousal support (alimony).

*How often paid?: W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month A = Annually

Type of expense	Paid to	How often paid?* W,B,M,T,A	Monthly payment
(1) House payment or rent			\$
(2) Food At home & restaurants			\$
(3) Transportation (gas, bus fare) Not car loan payments – see (12).			\$
(4) Clothing			\$
(5) Medical, dental Not health insurance payments – see (10).			\$

Rule 17.200—Form 224: Financial Affidavit for a Dissolution of Marriage with Children, continued

(6) Utilities (gas, electric)		\$
(7) Phone		\$
(8) Cable / satellite television / internet		\$
(9) Car insurance payment		\$
(10) Health insurance payment		\$
(11) Credit card payments		\$
(12) Car loan payments		\$
(13) Other loan payments		\$
(14) Other expense Identify:		\$
(15) Other expense Identify:		\$
(16) Other expense Identify:		\$
(17) Totals from attached sheets, if any Check this box if you have attached a sheet with additional information on your expenses.		\$
Total expenses		\$ 0.00

Continued on next page

 $Rule\ 17.200-Form\ 224:\ \textit{Financial Affidavit for\ a\ Dissolution\ of\ Marriage\ with\ Children},\ continued$

6.	Attori Check o	ney Help ne					
	A . □	An attorney did not	help me prepare	e or f	ill in this paper.		
	В. 🗆	An attorney helped If you check B, you mu	armid of overes		50 (51)		
		Name of attorney or or	ganization, if any		Attorney's P.I.N. ‡	≠ − Ask the attorne	y
		Business address of att	orney or organizati	on	City	State	ZIP code
		()	() _	mumbar	Attoman's angi	laddragail
		Autorney's prione nume	er Auorney	sjax	питоет – ориона	Attorney s emai	, aaaress – opnonai
7.	Section This do	ication of Service 7 to be completed only is cument, if filed electronic	f filing in paper or it cally, will automatic	f the o	ther party is exempt e served on register	red parties.	~ ~
	l,	your name		certif	y that on		, 20
		your name d or gave a copy of				A 1424 COM	
	Name o	ey at this address: f person to whom I delive or attorney's mailing ac		City		State	ZIP code
0	Oath	and Signature					
ο.	Jaul	and Signature	:	oortif.	/ under penalty o	f pariup, and pu	rsuant to the
	Print	your name	,	Jerui y	diluer perially o	i perjury and pu	Isuani to the
		the State of Iowa that ed in this Financial Af	fidavit is true and	corre	ect.	d that the inforn	nation I have
	Signed	on: Month Day	, 20 Year	Your	signature*		
	Mailing	address	* ;	City		State	ZIP code
		_)					2000 81 47471
		number er filing electronically or i he form after signing it and				tional email addre is form. If you are fi	
	Jours E	en agent egeneg u and	orgue oleen omea.	5V.			

Rule 17.200—Form 225: Affidavit of Mailing Notice

Petitioner: You **must** file this Affidavit if you served Notice by Publication in a newspaper and you ask the court for a divorce Decree by default. Petitioner **must** also complete the oath and signature section on the next page.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	ounty where your case is filed		
Upon the Petition of	Equity case no. Affidavit of Mailing Notice		
Petitioner Full name: first, middle, last	Amdavit of Maining Notice	7	
and concerning			
Respondent Full name: first, middle, last			
1. Attorney Help Check one			
A. An attorney did not help me prepare	e or fill in this paper.		
B. An attorney helped me prepare or f If you check B, you must fill in the following			
Name of attorney or organization, if any	Attorney's P.I.N. $\#$ – Ask the attorney		
Business address of attorney or organization	on City State ZIP co	ođe	
Attorney's phone number Attorney	's fax number – optional Attorney's email addres	SS – opti	

Petitioner's Oath and Signature on next page

Rule 17.200—Form 225: Affidavit of Mailing Notice, continued

1	cortify under no	nolty of norther	y and nursuant to
Print your name	, certify under pe	enaity or perjury	y and pursuant to i
laws of the State of Iowa that on	the day of	, 20	, I sent by ordina
	Day Month	Year	
mail with proper postage, the following	owing paper or papers:		
Check one			
Original Notice and Petition for	or Dissolution of Marriage	or	
~			
Notice of Intent to File a Writt	en Application for Default	Decree	
	17767 (2003)		
to Respondent's last-known addr	ess as follows:		
to Respondent's last-known addr	ess as follows:		
•			State ZIP code
Respondent's street address	ess as follows:		State ZIP code
•			State ZIP code
Respondent's street address	City		State ZIP code
Respondent's street address, 20	City		State ZIP code
Respondent's street address	City		State ZIP code
Respondent's street address, 20	City		State ZIP code
Respondent's street address, 20	City	nature*	State ZIP code State ZIP code
Respondent's street address Signed on: Month Day	City Near Petitioner's sign	nature*	
Respondent's street address	City Near Petitioner's sign	nature*	

scan the form after signing it and then file electronically.

Rule 17.200—Form 226: Notice of Intent to File Written Application for Default Decree

Petitioner: If Respondent has not filed an Answer or Motion within 20 days from the date of Service of the Original Notice or date of the Acceptance of Service, you may seek a Default Decree.

Before Petitioner asks the court for a Default Decree of Dissolution of Marriage, Petitioner must file this form (226).

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court	for		Co	unty
action colleged non-carbonatal acceptanted decides an extra success	Count	y where your case is filed	1	rangerau -
Upon the Petition of	E	quity case no		<u></u>
Petitioner Full name: first, middle, last		Notice of Intent Application for		
and concerning				
Respondent Full name: first, middle, last				
To: Mid.	11000 con supplement			
Respondent's first name Mid	dle name	Last name		
Date of Notice:	$\frac{1}{Dav}$, 20	ear		
	predicts but	Respondent:		
Handwritten signature of Petitioner or attorn if filing in paper	ney or	Electronic signature of if filing electronically	Petitioner or	Attorney
The person who provided the signature a	above must fill ir	the information below.		
Present street address (If attorney, firm	address) City	,	State	ZIP code
() Phone number	0. 9 .		_	
	Email address			
Instructions for Petitioner	1997			
Filing your Notice electronical		ont is avenuet from alcotronia	film a securine as	
EDMS will automatically serve Responde Filing your Notice in paper (if y		VOLUME TO COME STATE OF THE STA	25 HY SAX 2 SAX WILLIAM	
Deliver a copy of this form to Respon		PATE STATE OF THE PATE OF THE	it to me m p	aper)
 Complete form 225 and file the origin File the original of this form (226) at t Keep a copy for your records. 	al at the clerk of co	urt's office.		
December 2013	Rule 17.200-	-Form 226		Page 1 of 1

Rule 17.200—Form 227: Request for Relief in a Dissolution of Marriage with Children

Use this form only if you have filed a Petition for Dissolution of Marriage (201) and:

- · Your spouse (Respondent) did not file an Answer, or
- Your spouse will not work with you to prepare a Settlement Agreement (228).

Caution: This form may require you to provide protected or sensitive information.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (211) if you have not already done so.
- If filing in paper, you may use form 211 to provide any protected information in full if you have not already done so.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for	County where your cas	e is filed	County
Jpon the Petition of	Equity case no		
Petitioner Full name: first, middle, last	Request for of Mari	Relief in a	
and concerning			
Respondent Full name: first, middle, last			
 Personal Information Fill in all information and you fear for your safety, you may leave your a I am Check A or B and fill in C and D 			uieu vy your spo
and you fear for your safety, you may leave your a	iddress, phone number, an		шеа оу уош хрс
and you fear for your safety, you may leave your a I am Check A or B and fill in C and D. A. Petitioner B. Respondent C. Petitioner's birth year and present resi Petitioner's present street address	idence: Birth year City ()	od email blank.	ZIP code
and you fear for your safety, you may leave your a I am Check A or B and fill in C and D. A. Petitioner B. Respondent C. Petitioner's birth year and present resi	idence: Birth year City Phone number residence:	state Email a	ZIP code
and you fear for your safety, you may leave your at I am Check A or B and fill in C and D. A. Petitioner B. Respondent C. Petitioner's birth year and present residence of the present street address County	idence: Birth year City Phone number	state Email a	ZIP code

2. Request for Relief

Rule 17.200—Form 227: Request for Relief in a Dissolution of Marriage with Children, continued

Α.	Childre	en Check all that are true			
	(1)	Petitioner and Respondent agree to the Plan (229). A parenting plan must be pro-			
	(2)	Petitioner and Respondent do not a I filed a Proposed Parenting Plan (2 Request for Relief.			o the court with the
	(3)	Petitioner has taken the children in	the middle course. Attach	certificate	
	(4)	Respondent has taken the children	in the middle course. Atta	ch certifica	te
В.	Break	down of marriage			
	The ma	rriage is broken down and cannot be	e saved.		
C.	Couns	seling			
	Counse	eling will not save the marriage.			
D.	Waiting	g period before decree Check one			
	(1) 🔿	More than 90 days have passed sir an Original Notice.	nce Respondent accepted	service or	was served with
	(2) 🔘	Fewer than 90 days have passed si an Original Notice, but I want the co hearing because:			
E.	Financ	This paper explains how I would like	e to settle all issues in my	divorce.	
	(1) 🔿	I filed a Financial Affidavit (224). I didentity and value of all assets and		losed all in	come and the
	(2) 🔿	I am asking that the court not requir	re me to file a Financial Aff	idavit beca	ause:
_	Child a	warmant Class Hala			
Г.		support Check all that are true	4 1 01:110 40	en ne	
		ount of child support is determined using an Services provides a child support esti			
	(1)	Petitioner shall pay child support to R	espondent in the amount of	f\$	per month.
	(2)	Petitioner shall pay child support to a	third party in the amount of	\$	per month.
		Third party's full name: first, middle, last	\overline{t}		
		Present street address	City	State	ZIP code
		County			

Rule 17.200—Form 2	27: Request for Rel	lief in a Dissolu	tion of Marriage	with Children, continue	1		
(3) 🗆 R	espondent shall	pay child sup	port to Petition	er in the amount of \$		pe	r month.
(4) 🗌 R	espondent shall	pay child sup	port to a third p	party in the amount o	f\$	pe	r month.
\overline{T}	hird party's full na	me first mida	Tle last				
_	are perty symmet	arrot griss, rivide					
\overline{P}	resent street addr	ess	City		State	ZIP code	
\overline{c}	ounty		16				
(5) Child	support paymer	nts shall begi	n on the	day of		, 2	20
for the	e following child	ren:		Month			Year
	First, middle, & l initials of each c		Birth year	First, middle, initials of each		Birt	n year
6	a.			d.			
t	b.			e.			
	c.			f.			
] Check this box	: if you are att	aching a separa	te sheet listing addition	onal childr	en.	
1.0 A.O. S. S. S. S. S. S. S. S. S. S. S. S. S.	Suidelines amour Amount requi Child support	nt. <i>If you che</i> ested:\$	ck (6), write the	igher or lower than and amount you want and onth ne Guidelines amou	d explain v	vhy in b.	
	the court to set t	the tax deduc	ction as follows	S:	Check or	ne for eac	h child
last i	, middle, & initials of i child	Birth year	Parent who s	hould now claim deduction	Every Year	Even Years	Odd Years
a.					0	0	0
b.					0	Ō	O
c.					0	O	0
d.					0	0	0
e.					0	O	0
f.					0	O	O
	heck this box if yo	ou are attachir	ng a separate sh	neet listing additional	children.		

ule 17.2	200—Fori	n 227: <i>Request</i>	t for Relief in a D	issolution of M	larriage with Ch	ildren, con	tinued	
	(2) The	e deduction	will start in tax	year <u>Year</u>				
	Tax	forms are avai	with custody must lable from the IRS e tax credit is not	website: http://	//www.irs.gov.	non-custo	dial parent can take	e the deduction.
н	Health	care expe	nses					
2 55				n care eyne	enses as folk	ows. Ch	neck all that appi	h,
		er Respond		roure expe	511303 a3 1011	0113 . Ch	еск ин тин ирр	9
	_			ممانمها مريمه	ant (bankk in			
	(1)Q	\bowtie	1111.	**************************************	oort (health in			
	(2) (O		the children	n. After that a		of uncovered spent, then un	
				% by Petition	ner and	%	by Responder	nt.
	(3) 🔘	0						per month.
l.	Divisio	n of Persoi	nal Property	Check one				
	(1)	All of the pe	ersonal proper	ty obtained	during the ma	arriage ha	as been divided	I Lask that
	(1)	Petitioner v	vill keep the pe	ersonal prop	erty in Petitio	ner's pos	session, and R you check (1), sk	espondent will
	(2) \bigcirc	Our person	al property ha	s not been o	divided. I ask	that our	personal prope	rty be divided
	a.		vill get the follo	owing as Pe	titioner's sepa	arate pers	onal property:	
	b.						e personal prop	
			125					personal property.
		person's retire	ement account or	pension, a sep	arate order called	d a Qualifie	s you or your spous d Domestic Relatio help with a QDRC	
J.	Divisio	n of real es	state					
			al estate you ov eet for each add			formation.		
		nership of re	eal estate					
	a.	_	not own any r	eal estate	If you check a	skin to K		
	u.	O We do	not own unly f	cai coluic.	y you crieen a,	sup wix.		

Rule 17.200—Form	n 227: Request for Relief in a Dissolutio	on of Marriage with Children, continued	
b.	We own real estate located	at:	
	8 Albi 64595 12	Street address	
	in the City of	, County of	, and
	State of	This land is described in the deed or o	contract as follows:
(2) The	e real estate shall be:		
Che	eck one		
a.		divided% to Petitioner and _	%
b.	to Respondent. Awarded to Petitioner subjection	ect to all liens and mortgages.	
C.	\simeq	ubject to all liens and mortgages.	
d.	×	abject to all hone and mongages.	
	O Striet Emplant		
(3) Ad	ditional real estate		**
(6) 7.0		separate sheets for additional parcels of r	real estate
Cha	The second secon	and important step in the divorce process.	cur estate.
	ou will be changing title to real estate, you		
K. Divisio	n of debts		
Check o	ne		
(1) 🔾	There are no debts.		
(2) \bigodot	I have listed all the debts I know Attach additional sheets if necessar	v about and ask that they be divided as	follows:
a.	Petitioner will pay the following	debts:	
	i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
	(a)		\$
	(b)		\$
	(c)		\$
	(4)		\$

Check this box if you are attaching a separate sheet listing additional information about Petitioner's debts.

\$

(e)

Rule 17.200-Form 227: Request for Relief in a Dissolution of Marriage with Children, continued

b. Respondent will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

☐ Check this box if you are attaching a separate sheet listing additional information about Respondent's debts. c. For any debt we do not know about, the spouse who made the debt will pay that debt. You may want to close any credit cards and joint bank accounts in the names of both spouses. Closing accounts may limit the funds a former spouse has access to and may limit your liability for your former spouse's debts. L. Cash payment I ask that Check one Neither Petitioner nor Respondent pay any money to the other. Petitioner pay Respondent \$ ______ to equalize the division of property and debts by to equalize the division of property Respondent pay Petitioner \$ _____ and debts by $\frac{}{Day}$, $\frac{20}{Year}$. Month M. Spousal support (alimony) Check one I ask that (1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other. (2) Spousal support (alimony) be paid as follows: N. Name change Check one I ask that my last name) Not be changed. Be changed to: Print your former or birth name Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

3.

Rule 17.200—Form 227: Request for Relief in a Dissolution of Marriage with Children, continued

Ο.	Court fees
	Check one
	I ask that
	(1) Petitioner will pay all court fees.
	(2) Respondent will pay all court fees.
	(3) Petitioner and Respondent shall each pay one-half of the remaining court fees.
	(4) Petitioner and Respondent shall each pay one-half of the total court fees.
P.	Attorney's fees
	Check one
	(1) I have no attorney's fees.
	(2) I will pay my own attorney's fees.
	(3) I ask that my spouse pay me \$ for attorney's fees.
Q.	Necessary documents
	I ask that the court require each of us to sign and deliver to each other any papers that may be needed to carry out the terms of the Decree.
ь	
Π.	Other request for relief
	☐ Check this box if you have attached a separate sheet listing additional requests for relief.
Sta	atements of Understanding and Fact
Che	ck all that apply
A.	☐ I have made a full disclosure of my property and debts to the court.
B.	☐ This request for relief addresses all issues in my divorce.
C.	$\hfill \square$ I want the court to approve this request for relief and make it part of the final Decree.

Continued on next page

 $Rule\ 17.200 — Form\ 227: \textit{Request for Relief in a Dissolution of Marriage with Children}, continued$

Check one A. An attorney did not help me prepare or fill in this paper. B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Attorney's P.I.N. # — Ask the attorney Business address of attorney or organization City State ZIP code (4.	l. Attorney Help						
B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Attorney's P.I.N. # - Ask the attorney Business address of attorney or organization City State ZIP code (Check one						
B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Attorney's P.I.N. # - Ask the attorney Business address of attorney or organization City State ZIP code (A. An attorney did not help me prepare or fill	in this paper.					
If you check B, you must fill in the following information: Name of attorney or organization, if any								
Business address of attorney or organization								
Business address of attorney or organization		<u> </u>	100 VOT 120 2-200 T	W 24-52-V (52-8 VV)				
Attorney's phone number Attorney's fax number—optional Attorney's email address—optional 5. Certification of Service by Mailing or Delivery Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically will automatically be served on registered parties. 1,		Name of attorney or organization, if any	1ttorney's P.I.N. ‡	+ - Ask the attorne	v			
5. Certification of Service by Mailing or Delivery Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically will automatically be served on registered parties. I,		Business address of attorney or organization	City	State	ZIP code			
5. Certification of Service by Mailing or Delivery Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically will automatically be served on registered parties. I,		()()	Name (1997)	CANANA DECIS DECIS				
Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically will automatically be served on registered parties. I,		Attorney's phone number Attorney's fax m	ımber – optional	Attorney's email	address – optional			
I mailed or gave a copy of this Request to the other party or the other party's attorney at this address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address		This document, if filed electronically will automatically be	served on register	red parties.	ling. , 20			
address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address City State ZIP code 6. Oath and Signature I,, have read this Request, and I certify under penalty Print your name of perjury and pursuant to the laws of the State of lowa that the information I have provided in this Request is true and correct. Signed on: Month Day Year Your signature* Mailing address City State ZIP code (Print your name	Month	Day	Year			
Name of person to whom I delivered or mailed it Party's or attorney's mailing address City State ZIP code 6. Oath and Signature I,			er party or the	other party's at	torney at this			
Farty's or attorney's mailing address City State ZIP code 6. Oath and Signature I,		address:						
Farty's or attorney's mailing address City State ZIP code 6. Oath and Signature I,		Name of person to whom I delivered or mailed it						
6. Oath and Signature I,								
I,, have read this Request, and I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Request is true and correct. Signed on: Month Day Year Your signature*		Party's or attorney's mailing address City		State	ZIP code			
of perjury and pursuant to the laws of the State of lowa that the information I have provided in this Request is true and correct.	6.	6. Oath and Signature						
of perjury and pursuant to the laws of the State of lowa that the information I have provided in this Request is true and correct.		l have re	ead this Reque	st and I certify	under nenalty			
in this Request is true and correct.		Print your name	Jaa lino Moque	ot, and rooming	arraor portary			
Signed on: Month Day Year Your signature* Mailing address City State ZIP code (of perjury and pursuant to the laws of the State o	f lowa that the	information I ha	ve provided			
Mailing address City State ZIP code (in this Request is true and correct.						
Mailing address City State ZIP code (, 20						
Phone number Email address Additional email address, if applicable * Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.		Signed on: Month Day Year	our signature*		-,			
* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.		Mailing address City		State	ZIP code			
* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.								
scan the form after signing it and then file electronically.		Phone number Email address	Addi	tional email addre:	ss, if applicable			
December 2013 Rule 17.200—Form 227 Page 8 of 8			our signature on th	is form. If you are fil	ing electronically,			
December 2013 Rule 17.200—Form 227 Page 8 of 8								
December 2013 Rule 17.200—Form 227 Page 8 of 8								
	Der	ecember 2013 Rule 17 200—F	form 227		Page 8 of 8			

Use this form only if you and your spouse both agree to the terms of a Settlement Agreement.

Do not use this form if:

- You and your spouse have no children under the age of 18.
- You and your spouse have no children 18 years of age or older who still need support.
- There are no children under age 18 who were adopted or born during this marriage.

Caution: This form may require you to provide protected or sensitive information.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (211) if you have not already done so.
- If filing in paper, you may use form 211 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the Iowa District Court fo	r	unty where your	case is filed	County
lpoi	n the Petition of		Equity case	no	
etit	ioner Full name: first, middle, last			ement Agree on of Marria	ement for a ge with Childre
nd c	concerning				
lesp	pondent Full name: first, middle, last				
Pe	ersonal Information Fill in all in	formation t your addre	hat you know. If ess, phone numbe	you have been as er, and email blar	saulted by your spo k.
and	rsonal Information Fill in all in	your addre	ess, phone numbe	er, and email blar	saulted by your spo ak. ZIP code
and	ersonal Information Fill in all in lyou fear for your safety, you may leave Petitioner's birth year and prese	your addre	ess, phone numbers. Birth year	er, and email blar	
A.	rsonal Information Fill in all you fear for your safety, you may leave Petitioner's birth year and prese	your addre	ess, phone number Birth year) number	er, and email blar State	ZIP code
A.	rsonal Information Fill in all in all in all you fear for your safety, you may leave Petitioner's birth year and prese Petitioner's present street address County	your addre	ess, phone number Birth year number dence:	er, and email blar State	ZIP code

2. Agreements

 $\textbf{Rule 17.200} \\ \textbf{—Form 228: } \textit{Settlement Agreement for a Dissolution of Marriage with Children}, \textbf{continued}$

We	e agree to the following:
A.	Children Check all that are true
	(1) We agree to the custody and visitation set out in the Agreed Parenting Plan (229).
	(2) We do not agree about custody and visitation. We each filed a Proposed Parenting Plan (230). A parenting plan, either form 229 or form 230, must be provided to the court with the Settlement Agreement.
	(3) Petitioner has taken the children in the middle course. Attach certificate.
	(4) Respondent has taken the children in the middle course. Attach certificate.
B.	Breakdown of marriage The marriage is broken down and cannot be saved.
C.	Counseling Counseling will not save the marriage.
D.	Waiting period before decree Check all that apply
	(1) O More than 90 days have passed since Respondent accepted service or was served with an Original Notice.
	(2) Fewer than 90 days have passed since Respondent accepted service or was served with an Original Notice, but we want the court to take action right away without a separate hearing because:
	This paper explains how we would like to settle all issues in our divorce.
E.	Financial affidavits Check one
	(1) Petitioner or Respondent has filed a Financial Affidavit (224). If you check (1), check each that is applicable.
	 a. Petitioner has filed a Financial Affidavit. Petitioner certifies that Petitioner has fully disclosed all income and the identity and value of all assets and debts.
	b. Respondent has filed a Financial Affidavit. Respondent certifies that Respondent has fully disclosed all income and the identity and value of all assets and debts.
	(2) We are asking that the court not require us to file Financial Affidavits because:
F.	Child Support Check all that are true Note: The amount of child support is determined using the lowa Child Support Guidelines. The lowa Department of Human Service provides a child support estimator on its website. Go to: https://childsupport.ia.gov/ .
	(1) Petitioner shall pay child support to Respondent in the amount of \$ per month.
	(2) Petitioner shall pay child support to a third party in the amount of \$ per month.

		Third party's full nam	ne: first, middle	, last				
		Present street addre	SS	City		State	ZIP code	id.
		County		x				
	(3)		av child supp	ort to Petitione	er in the amount of 9	5	pe	r month.
	(4)	☐ Respondent shall p	maner was sometimen we see					
		Third party's full nam	ne: first, middle	, last				
		Present street addre	SS	City	<u> </u>	State	ZIP code	
		County						
	(5)	Child support payment	ts shall begin	on the			, 2	20
		for the following childre	en:		Month			Year
		First, middle, & last initials of each child	Birth	year	First, middle, & initials of each		Birt	h year
		a.			d.			
		b.			e.			
		C.			f.			
		☐ Check this box if you	u are attaching	a separate sh	eet listing additional	children.		
	(6)	☐ Check here if you	want child su	pport to be hi	gher or lower than	the Child	The second second second	
		Guidelines amoun	the three		STATE OF THE PROPERTY OF THE P	d explain	why in b.	
		a. Amount reque						
		b. Child support	snoula be alli	ereni irom in	e Guidelines amou	ini becaus	se.	
G	Tax	exemption						
О.		I ask the court to set the	ne tax deducti	ion as:		Check o	ne for eac	h child
		First, middle, & last initials of each child	Birth year	Parent who child for tax	should now claim deduction	Every Year	Even Years	Odd Years
		a.				\cap	\circ	\bigcirc
		b.				Ŏ	Ŏ	Ŏ
		c.				Ŏ	Ŏ	Ŏ
). 72		l				

		d.									0	0	0
		e.									0	0	0
		f.									0	\circ	0
			Check this b	ox if you	u are attaching	g a sej	parate si	heet listi.	ng additi	ional c	children.		
		Tax	forms are avail	able fron	ody must sign IR n the IRS website dit is not the same	e: <u>http</u>	://www.irs	s.gov.	non-custo	dial pa	rent can ta	ke the ded	uction.
	(2)	The	e deduction v	will star	t in tax year _ I	Year							
Н.	Hea	alth	care exper	nses									
					health care	exp	enses	as follo	ws: C	heck a	ll that ap	ply	
	100	tione	er Responde			1							
	(1) (\simeq	\sim		ovide medica							v	2
	(2) (U	O	the ch	y the first \$_ nildren. After o ne paid								
		12.00			% by P	etitio	ner and	i	%	by R	esponde	nt.	
	(3)	0	0	shall p	oay cash med	lical s	support	in the a	imount c	of \$		per	month.
l.			n of person	al pro	perty								
	(1) (\sim	We have di	posses	our personal p ssion. Respo o to J.								
	(2) (erty has not b		divided	, but we	agree i	it will l	be divide	d as follo	ows:
		a.			eets if necessa he following a		etitioner	's sepai	rate pers	sonal	property		
								o oopa.	alo pon		property	•	
		b.	Responden	nt will ge	et the followin	ng as	Respon	ndent's	separate	e pers	sonal pro	perty:	
			person's retire	ment ac	counts and per count or pension ROs are complica	, a sep	oarate ord	der called	a Qualifie	d Dom	estic Relat	ions Order	

J.	For eac	on of real estate Th parcel of real estate you own, provide the fo	llowing information.					
		a separate sheet for each additional parcel. Inership of real estate						
		eck one						
	a. We do not own any real estate. If you check a, skip to K.							
	b. We own real estate located at:							
		Stree	t address					
		in the City of	, County of	, and				
	State of This land is described in the deed or contract as follows:							
	(2) Th	e real estate shall be:						
	Che	eck one						
	a.	Sold and the profit or debt divided _ to Respondent.	% to Petitioner and _	%				
	b.	Awarded to Petitioner, subject to all	iens and mortgages.					
	C.	Awarded to Respondent, subject to a	all liens and mortgages.					
	d.	Other Explain						
	5M200							
	(3) Ad	ditional real estate						
		Check this box if you are attaching separate	sheets for additional parcels of	real estate.				
		e: Changing title to real estate is a complicated and ou will be changing title to real estate, you should tal	The same and the company of the comp	SS.				
K.	Divisio	on of debts						
	Check a	all that apply						
	(1)	There are no debts.						
	(2) \bigcirc	We have listed all the debts that we know Attach additional sheets if necessary.	w about and ask that they be	divided as follows:				
	a.	Petitioner will pay the following debts:						
		Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed				
		(a)		\$				
		(b)		\$				

(c)	\$
(d)	\$
(e)	\$

- Check this box if you are attaching a separate sheet listing additional information about Petitioner's debts.
- b. Respondent will pay the following debts:

Month

i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

- Check this box if you are attaching a separate sheet listing additional information about Respondent's debts.
- c. For any debt we do not know about, the spouse who made the debt will pay that debt.

Note: You may want to close any credit cards and joint bank accounts in the names of both spouses. Closing accounts may limit the funds a former spouse has access to and may limit your liability for your former spouse's debts.

L. Cash payment

Continued on next page

Day

Μ.		support (alimony)									
	Check one	ENST									
	We ask that:										
	(1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other.										
	$(2) \bigcirc Pe$	etitioner pay spousal support (alimony) to	Respondent as follows:								
	200 Maria										
	(3) \bigcirc Re	espondent pay spousal support (alimony)	to Petitioner as follows:								
	10										
N	Name ch	ange									
14.	Check one	ange									
	We ask th	hat									
		oner's name									
	a. C	Not be changed.									
	ь. С	Be changed to:	Name can only be changed to								
	J. C) be shariged to:	name on birth certificate or name used								
		Print Petitioner's former or birth name	immediately prior to the marriage.								
		1 rm 1 endoner's jorner or orra name									
	(2) Respo	ondent's name									
	a. C	Not be changed.									
	b. C	Be changed to:	Name can only be changed to								
			name on birth certificate or name used immediately prior to the marriage.								
		Print Respondent's former or birth name	, 1								
Ο.	Court fee	es .									
	Check one										
	We ask th	hat									
	(1) \bigcirc Pe	etitioner will pay all court fees.									
	(2) \bigcirc Re	espondent will pay all court fees.									
	$(3) \bigcirc Pe$	etitioner and Respondent shall each pay o	one-half of the remaining court fees.								
	$(4) \bigcirc Pe$	etitioner and Respondent shall each pay o	one-half of the total court fees.								
_	A44	. F									
۲.	Attorney's	s rees oner's attorney's fees									
	Check	100									
	a. C	Petitioner has no attorney's fees.									
	b. C	Petitioner will pay Petitioner's attorney's	s fees								
	\succ	Respondent will pay \$									
	c. (Trespondent will pay \$	To remoners anomey siees.								

Attach additional sheets if necessary.

	(2)	Respo	ondent's attorney's fees	
		Check	one	
		a. C	Respondent has no attorney's fo	ees.
		b. C	Respondent will pay Responder	nt's attorney's fees.
		c. C	Petitioner will pay \$	for Respondent's attorney's fees.
Q.	Ne	cessar	y documents	
			gn and promptly deliver to each otl t Agreement.	ner any papers that may be needed to carry out this
R.	Otl	her ag	reements	

Continued on next page

4.

3.		torney Help	j						
		Petitioner							
		(1) () An at	torney did not he	lp me prepare or	fill in this paper.				
		\simeq	torney helped me						
			check (2), you mus	E 10.11	5. 12.1				
				, , ,	0 ,				
		Name of a	ttorney or organiza	ation, if any	Attorney's P.I.N.	# - Ask the attorn	пеу		
		Business a	ddress of attorney	or organization	City	State	ZIP code		
		<u>(</u>)	_ (• ~ ~				
	_	100 S	phone number	Attorney's fax	c number – optional	Attorney's ema	il address – optional		
	В.	Respondent		2	L				
		\sim	torney did not he		7. 17				
			torney helped me check (2), you mus						
		ARCHE IC	17 - 170-17	**		"			
		Name of a	ttorney or organiza	ation, if any	Attorney's P.I.N.	# - Ask the attorn	ney		
		Business a	ddress of attorney	or organization	City	State	ZIP code		
)	_ ()_		40 E	Period Charles		
		Attorney's	phone number	Attorney's fax	c number – optional	Attorney's ema	il address – optional		
4.	Oa	aths and Sig	natures						
			4.0	ses all issues in	our divorce. We	have made a full	disclosure of		
				er. We want the	court to approve	this Agreement a	and make it a		
	par	t of the final De							
	A.	Petitioner's O	ath and Signature	е					
		l,		, certify under penalty of perjury and pursuant to the					
		Print your no		o road this Sattler	ment Agreement an	d it accurately stat	es how I would		
					ment Agreement and know I have the righ				
					. I am asking that th	nis Settlement Agre	eement be		
		presented to a	judge for approval	and filing with the	court.				
		174	D	, 20	D-4141	· 4*			
		Month	Day	Tear	Petitioner's signa	uure			
		Mailing addres	SS	City		State	ZIP code		
		Dhona numbar		Email address		dditional email ad	Idrage itil-bl-		
		Phone number * Whather films			A adwrite your signature		350		
			, scan the form after .			он инь јогт. 1ј уог	i ai e junig		
		357	er er		l on next page				
					1				

Respondent's Oath and Signature									
I,, certify under penalty of perjury and pursuant to the Print your name									
like the court to a Agreement. I an	of lowa that I hav address the issues n voluntarily signin dge for approval a	s in my divorce. ng this Agreemer	I know I have nt. I am askin	the right to talk to	o an atto	rney about this			
Month	Day	, 20 	- Responde	nt's signature*					
Mailing address	2	Cit	ty		State	ZIP code			

Rule 17.200-Form 229: Agreed Parenting Plan

Use this form if both spouses agree to everything in the plan regarding child custody and visitation.

Do not use this form if you and your spouse **do not** agree to all child custody and visitation arrangements. Instead, use form 230 to present a Proposed Parenting Plan to the court for the child custody and visitation arrangements you want.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for County when the Iowa District Courty when I County when				you are filing this Parenting Pl	County			
Upon	the Petition of		E	Equity case no.				
Petitioner Full name: first, middle, last				Agreed Parenti	ng Plan			
and c	oncerning							
Resp	ondent Full name: first, mi	ddle, last	g					
A.	Information for the Court A. The parties agree to this plan. B. Children List all children born to or adopted by Petiitoner and Respondent.							
	First, middle, & last initials of each child	Present age	Gender M F	School	Grade			
	(1)		00					
	(2)		00					
	(3)		00					
	(4)		00					
	(5)		00					
	(6)		00					
	☐ Check this box if you	are attaching	a sheet listing	additional children.				
C.	Information about the Check all that are true (1) The children list		he only child	ren born to or adopted by th	ese parents.			
				le court case. If you check (2 hild custody and visitation.), attach a copy of the			

Continued on next page

- (3) There are children of Petitioner or Respondent not listed in B. Explain
 - If there are children born before the marriage, who are not the children of Petitioner or of Respondent, check (3) and explain.
 - If there are children of Petitioner and Respondent, but the parental rights have been terminated, check (3) and explain.

2. Plan

- A. Read these definitions of legal custody and physical care:
 - (1) Legal custody means a parent has legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.

	9
	(2) Joint legal custody means both parents have equal legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
	(3) Physical care means providing the main home for the child and taking care of the child.
	(4) Joint physical care means both parents have equal rights and responsibilities for providing the main home for the child and taking care of the child.
B.	Legal custody should be
	Check one
	(1) O Joint legal custody to both parents
	(2) O To Petitioner
	(3) O To Respondent
	(4) To other person
	Full name of other person: first, middle, last
C.	Physical care should be
	Check one
	(1) \bigcirc To Petitioner If you check (1), use D for Respondent's visitation.
	(2) To Respondent If you check (2), use D for Petitioner's visitation.
	(3) O Joint physical care to both parents If you check (3), use D(12) to explain the joint physical care schedule.
	(4) O To other person
	Full name of other person: first, middle, last
D.	Visitation
	Use D only if one parent will have physical care. This is the schedule for the other parent to see the children.
	(1) Visitation for
	Check one
	a. O Petitioner
	b. Respondent

20.00			on permission , b, <i>or</i> c.					
	a.	_	Visitation should not b	e allowed becau	use:			
			-					
	b.	0	Visitation should be su	pervised becau	se:			
	C.	_	The supervisor for visi			s full name: fir.		t
		Che i. ii.	eck all that apply Reasonable visita Mid-week visitatio M Tu W	n on these days Th F		a.m. 	8	a.m. p.m.
		iii.	Every weekend From Day of week	at	8	a.m. p.m. to	at_ fweek 7	a.m.
		iv.	Every other week	end	ш	a.m. p.m. to $\frac{Day \ o_j}{Day \ o_j}$		☐ a.m.
		٧.	☐ Other Describe	t III	ne	Day o _j	week 1	ime
		vi.	Visitation will start on _	Month		— Day	20	
(3)	De	taile	ed holiday schedule					
			edule tells on which holiday					
			ou do not have to fill in eve no already has the childrer		hat is left blan	k means the child $P = Petiti$		that day with the Respondent
	Н	olida	у	Tim	e	Every year P R	Even years P R	Odd years P R
	Ν	ew Y	ear's Eve	:	O a.m. O p.m.	00	00	00
	N	ew Y	ear's Day	:	O a.m.	00	00	00
	М	artin	Luther King, Jr. Day	÷	Q a.m. p.m.	00	00	00

President's Day	:	O a.m.	00	00	00
Memorial Day	Ī	O a.m. p.m.	00	0	0
Independence Day July 4th	:	O a.m. p.m.	00	0	0
Labor Day	•	O a.m.	00	0	0
Veterans' Day November 11th	1	O a.m.	00	0	0
Thanksgiving Day	Ë	O a.m.	00	0	0
Christmas Eve	1	O a.m. p.m.	00	0	0
Christmas Day	:	O a.m. p.m.	00	0	0
Mother's Day	:	O a.m. p.m.	00	0	0
Father's Day	:	O a.m.	00	0	0
Petitioner's Birthday		O a.m.	00	0	0
Respondent's Birthday	Ĩ	O a.m. p.m.	00	0	0
Halloween October 31st	:	O a.m. p.m.	00	0	0
Other: Describe	:	O a.m. p.m.	00	00	00
Other: Describe	:	a.m. p.m.	00	00	00

(4) Special rules for holidays

~ 1		. raise for fremanye
CF	neck o	ne
a.	0	If a holiday falls on a Friday or a Monday, the parent with the holiday will have the whole weekend.
b.	0	If a holiday falls on a Monday or a Friday, the alternating weekend schedule in D(2)c.iv. will continue. This means the parent who has the children on the holiday weekend may have the children two weekends in a row.
C.	0	The parents will cooperate and rearrange the alternate weekend schedule so that neither parent will have the children more weekends in a row without contact with the other parent.
d.	0	

Continued on next page

(5) Summer
Check one
 a. Summer school vacation will be divided as Petitioner and Respondent agree.
b. Petitioner and Respondent will each have one-half of the summer school vacation with alternate weekends to the other parent. The children will be returned to the parent with physical care at least one week before school starts.
c. The parent without physical care will have two weeks of uninterrupted summer visitation with the children and the parent with physical care will have two weeks of uninterrupted summer visitation with the children. During the rest of the summer the weekly visitation schedule should be followed.
d. Other Explain
(6) Winter school holiday Check one
Winter school holidays will be divided as Petitioner and Respondent agree.
b. Petitioner and Respondent will each have one-half of the winter school holiday and
alternate the first and second half each year.
c. Other Explain
 (7) Spring school break Check one a. Spring school break will be divided as Petitioner and Respondent agree. b. Spring school break will be alternated every other year between Petitioner and
Respondent.
 c. Petitioner and Respondent will each have one-half of each spring school break. d. Other Explain
(8) The children's birthdays Check one
 a. Petitioner and Respondent will have contact with the children on their birthdays as the parents may agree.
 b. A child's birthday will be spent with the parent who has the child on that day.
c. Each child's birthday will be alternated from year to year between Petitioner and Respondent.
 d. Petitioner and Respondent will each have no less than two hours of personal contact with the child on the child's birthday.
e. Other Explain

(9) Pick up and drop off
Check all that apply
 a. The parents will agree about pick up and drop off for each visit.
b. The parent with visitation will pick up the children at the other parent's residence at the beginning of visitation and the parent with physical care will pick up the children at the end of visitation.
c. Only certain people can help the parents with transportation. If persons other than Petitioner and Respondent will help them provide transportation of the children, only the following persons are permitted to help:
d. Other arrangements for visitation For example, Petitioner and Respondent will meet at a location between their residences. Explain
(10) The parent without the children may contact the children by Check all that apply a. Calling the children Check one i. At reasonable hours ii. Any day from Phone number Phone number where children can be contacted
b. Emailing the children at this address: Email where children can be contacted
c. Other Explain
(11) Changes to the schedule Check all that apply a. The parties may agree to additional visitation or changes to the schedule. b. If one parent fails to arrive at the appointed time, then the other parent will wait for at leas minutes before cancelling the visit. c. No changes allowed except by a court order. d. Other Explain
Continued on next page

(12) Joint physical care plan

Use only if both Petitioner and Respondent are given joint physical care.

a. How Petitioner and Respondent will make decisions about the children: For example, decisions on school, medical care, religion, and other decisions parents make for their children. b. How the children's time will be divided between Petitioner and Respondent: You may use sections 3, 4, 5, 6, 7, and 8 for holidays, school breaks, and birthdays. c. How the children's expenses will be paid: For example, expenses such as clothes, activities, and school fees. d. How Petitioner and Respondent will deal with major changes or disagreements about the children (including changes due to the children's age and development): Other issues: (13) Resolving disagreements Check one Before going to court to resolve disagreements, Petitioner and Respondent will Ask the following person to help them resolve disagreements: Name Relationship to parties Phone number ZIP code Present street address City State Go to mediation. Do not check if mediation will not work because of domestic violence or an injunction. Continued on next page

3.

4.

Rule 17.200-Form 229: Agreed Parenting Plan, continued

	torney Help eck one								
	Petitioner								
	(1) An attorney did not help me prepare or fill in this paper.								
	\simeq	ney helped me	E 18	\$20 \$3					
		. 50	A company of the comp	ving information:					
	Name of attor	ney or organiza	tion, if any	Attorney's P.I.N.	#-Ask the attorn	ney			
	Business addi	ress of attorney o	or organization	City	State	ZIP code			
	()	,	()						
	Attorney's ph	one number	Attorney's fa	x number – optional	Attorney's ema	il address – optional			
B.	Respondent								
	(1) O An attorn	ney did not help	o me prepare o	r fill in this paper.					
	(2) An attorn	ney helped me eck (2), you must	prepare or fill in the follow	n this paper. ving information:					
	Name of attor	ney or organiza	tion, if any	Attorney's P.I.N.	#-Ask the attorn	eey			
	Business addr	ress of attorney o	or organization	City	State	ZIP code			
	()_		()						
	Attorney's ph	one number	Attorney's fa	x number – optional	Attorney's ema	il address – optional			
Thi cou	100 mm to 100 mm	ng Plan addres Agreed Parent	ting Plan and n	and visitation issue		. We want the			
	I, Print Petitioner	'a a a	, certif	y under penalty of pe	erjury and pursuan	t to the			
			e read this Agree	ed Parenting Plan, an	nd I agree with the	Plan I ask the			
	court to adopt this			our dictions rian, an	ia i agree mai are	rian. Facilities			
	<i>8</i>	2017	_, 20	P					
	Month	Day	Year	Petitioner's signa	ture*				
	Mailing address			2	State	ZIP code			
	, ,								
	Phone number		Email address		dditional email ad	dress – if available			
	* Whether filing ele	etronically or in p	aper, you must ha	ndwrite your signature					
		un the form after s				e: <u>se</u> :			
			Continue	d on next page					

B.

Rule 17.200-Form 229: Agreed Parenting Plan, continued

Respondent's Oat	h and Signatı	ıre				
Ι,		, certif	y under penalt	y of perjury an	nd pursuar	nt to the
Print Respondent	's name					
laws of the State of I court to adopt this A			ed Parenting Pl	an, and I agre	e with the	Plan. I ask the
p	_	_, 20				
Month	Day	Year	Respondent	's signature*		
Mailing address		City			State	ZIP code
()				_		
Phone number	I	Email address		Additiona	ıl email ad	ddress – if available
* Whether filing electronically, scan					form. If yo	u are filing

Rule 17.200—Form 230: Proposed Parenting Plan

Use this form if you and your spouse do not agree to all child custody and visitation arrangements

Do not use this form if both spouses agree to everything in this plan. Instead, use form 229 to tell the court what you both want your plan to be.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	lı	n the Iowa District C		ounty wh	nere you	ı are filing this Parenting Plar	_ County
UĮ	oon	the Petition of			Equ	ity case no.	
Petitioner Full name: first, middle, last					Proposed Parenti	ng Plan	
		encerning					
Re	spo	ondent Full name: first, mid	ldle, last				
l a	m eck o A.	one O Petitioner					
	B.	Respondent					
1.		formation for the Co					
	Α.	Children List all children		191	2.	oner and Respondent.	
		First, middle, & last initials of each child	Present age	Gend M	er F	School	Grade
		(1)		0	0		
		(2)		0	0		
		(3)		0	0		
		(4)		0	0		
		(5)		0	O		
		(6)		0	O		
		☐ Check this box if you ar	re attaching	a separai	te sheei	listing additional children.	
	B.	(2) One or more of the	d in A are t	is in a ju	venile	n born to or adopted by thes court case. <i>If you check</i> (2), <i>Id custody and visitation</i> .	
		(3) There are childre	n of Petition	ner or Re	espond	dent not listed in B. Explain ge, who are not the children of	^f Petitioner or of

Rule 17.200-Form 230: Proposed Parenting Plan, continued

• If there are children of Petitioner and Respondent, but the parental rights have been terminated, check (3) and explain.

C.	Specia	I concerns about the children
	Check a	Il that are true
	(1)	Breastfeeding infant
	(2)	Child with a disability
	(3)	Other Explain
D.	Informa	ation about the parents
	Check a	Il that are true
	(1)	Petitioner receives public assistance, Title XIX, or FIP.
	(2)	Respondent receives public assistance, Title XIX, or FIP.
	(3)	Petitioner plans to move within the next year.
	(4)	Respondent plans to move within the next year.
	(5) \bigcirc	This is the Parenting Plan for before the move.
	$(6) \bigcirc$	This is the Parenting Plan for after the move.
E.	Specia	concerns about the parents
	Check a	ll that are true
	(1)	Petitioner has an alcohol or drug problem.
	(2)	Respondent has an alcohol or drug problem.
	(3)	Petitioner does not have a driver's license.
	(4)	Respondent does not have a driver's license.
	(5)	Petitioner's home environment is not suitable. Explain in 11.
	(6)	Respondent's home environment is not suitable. Explain in 11.
	(7)	Petitioner is in jail or a mental health institution. Explain in 11.
	(8)	Respondent is in jail or a mental health institution. Explain in 11.
	(9)	Petitioner is protected under a Domestic Abuse Protective Order. Explain in 11.
	(10)	Respondent is protected under a Domestic Abuse Protective Order. Explain in 11.
	(11)	Explain:

Rule 17.200-Form 230: Proposed Parenting Plan, continued

2. Plan

- A. Read these definitions of legal custody and physical care:
 - (1) Legal custody means a parent has legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
 - (2) Joint legal custody means both parents have equal legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
 - (3) Physical care means providing the main home for the child and taking care of the child.
 - (4) Joint physical care means both parents have equal rights and responsibilities for providing the main home for the child and taking care of the child.

	the main home for the child and taking care of the child.
B.	Legal custody should be
	Check one
	(1) O Joint legal custody to both parents
	(2) To Petitioner
	(3) To Respondent
	(4) O To other person
	Full name of other person: first, middle, last
C.	Physical care should be
	Check one
	(1) To Petitioner If you check (1), use D for Respondent's visitation.
	(2) To Respondent If you check (2), use D for Petitioner's visitation.
	(3) Joint physical care to both parents If you check (3), use D(12) to explain the joint physical care schedule.
	(4) O To other person
	Full name of other person: first, middle, last
D.	Visitation
	Use D only if one parent will have physical care. This is the schedule for the other parent to see the children.
	(1) Visitation for
	Check one
	a. O Petitioner
	b. Respondent
	(2) Visitation permission
	Check a, b, or c.
	a. O Visitation should not be allowed because:
	-
	b. Visitation should be supervised because:
	<u></u>

(3)

Rule 17.200-Form 230: Proposed Parenting Plan, continued

		e	C 11 C		
O	v - x - 22 - 12 -		s full name: fir		
 c. Regular unsupervise Check all that apply 	d visitation s	chedule as t	he parents ag	gree:	
i. Reasonable visitat	ion as the par	ents agree.			
ii. ☐ Mid-week visitation M Tu W	TM 250	/s:			
M Tu W	Th F	From	_ a.m. to	p.m.	
iii. O Every weekend		Q	a.m.		Qa.m.
From	at 	O	p.m. to	week at	ime p.m.
iv. O Every other weeke	nd		a.m.		☐ a.m.
From	at	ime	p.m. to	week 7	□ p.m.
v. Other Describe			,-,-,		
<u>-</u>					
vi. Visitation will start on _	Month		,	20 Year	
Detailed holiday schedule			success 🗸 y		
This schedule tells on which holidays					
You do not have to fill in everything. who already has the children on that		left blank mear	is the children wi	ill spend that day	with the parent
			D D-414		
			P = Petiti	T	Respondent
Holiday	Tir	me	P = Petiti	ioner R=R Even years P R	
Holiday New Year's Eve	Tir	me	Every year	Even years	Respondent Odd years
3-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	2000	Q a.m.	Every year	Even years	Respondent Odd years
New Year's Eve	2000	O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day	2000	Q a.m. p.m. Q a.m. O p.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day	2000	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O a.m. O p.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day President's Day	2000	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day President's Day Memorial Day	:	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day President's Day Memorial Day Independence Day July 4th	:	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day President's Day Memorial Day Independence Day July 4th Labor Day	:	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years
New Year's Eve New Year's Day Martin Luther King, Jr. Day President's Day Memorial Day Independence Day July 4th Labor Day Veterans' Day November 11th	:	O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m. O p.m. O a.m.	Every year	Even years	Respondent Odd years

(4)

(5)

Rule 17.200-Form 230: Proposed Parenting Plan, continued

Mother's Day		O a.m.	0	\overline{O}	0	0	0	\overline{O}
Father's Day	Ĩ	O a.m.	0	\overline{O}	0	\overline{O}	O	\overline{O}
Petitioner's Birthday	:	O a.m.	0	O	0	0	0	O
Respondent's Birthday	:	O a.m.	0	0	0	0	0	0
Halloween October 31st		O a.m. O p.m.	0	0	0	0	0	0
Other: Describe		O a.m.	0	0	0	0	0	0
Other: Describe	:	a.m. p.m.	O	O	0	O	0	0
Special rules for holidays Check one a. If a holiday falls on a Friday or a Monday, the parent with the holiday will have the								
whole weekend. b. O If a holiday falls on a continue.	Monday or a F	riday, the al	ternatin	g week	end so	hedule	in 3.a.i	ii. will
will continue. This me	c. O If a holiday falls on a Monday or a Friday, the alternating weekend schedule in D(2)c.iv. will continue. This means the parent who has the children on the holiday weekend may have the children two weekends in a row.							
d. Other Explain	d. Other Explain							
Summer								
Check one								
a. O Summer school vaca	ation will be di	vided as Pe	titioner	and R	espon	dent aç	gree.	
with alternate weeks	b. Petitioner and Respondent will each have one-half of the summer school vacation with alternate weekends to the other parent. The children will be returned to the parent with physical care at least one week before school starts.							
visitation with the ch uninterrupted summ	The parent without physical care will have two weeks of uninterrupted summer visitation with the children and the parent with physical care will have two weeks of uninterrupted summer visitation with the children. During the rest of the summer the weekly visitation schedule should be followed.							
d. Other Explain								

Continued on next page

Rule 17.200—Form 230: Proposed Parenting Plan, continued

December 2019

(6)	Winter school holiday
No.	Check one
	a. Winter school holidays will be divided as Petitioner and Respondent agree.
	b. Petitioner and Respondent will each have one-half of the winter school holiday and alternate the first and second half each year.
	c. Other Explain
(7)	Spring school break
	Check one
	a. O Spring school break will be divided as Petitioner and Respondent agree.
	 Spring school break will be alternated every other year between Petitioner and Respondent.
	c. Petitioner and Respondent will each have one-half of each spring school break.
	d. Other Explain
(8)	The children's birthdays
	Check one
	a. Petitioner and Respondent will have contact with the children on their birthdays as the parents may agree.
	 A child's birthday will be spent with the parent who has the child on that day.
	c. Each child's birthday will be alternated from year to year between Petitioner and Respondent.
	d. O Petitioner and Respondent will each have no less than two hours of personal contact with the child on the child's birthday.
	e. Other Explain
(9)	Pick up and drop off
(0)	Check all that apply
	a. The parents will agree about pick up and drop off for each visit.
	b. The parent with visitation will pick up the children at the other parent's residence at
	the beginning of visitation and the parent with physical care will pick up the children at the end of visitation.
	c. Only certain people can help the parents with transportation. If persons other than Petitioner and Respondent will help them provide transportation of the children,
	only the following people are permitted to help:

Rule 17.200—Form 230: Proposed Parenting Plan, continued	
d.	Other arrangements for visitation (for example, Petitioner and Respondent will meet
0. 5	at a location between their residences): Explain
	i. At reasonable hours ii. Any day from O a.m. a.m. Phone number () Phone number where children can be contacted
b.	Emailing the children at this address: Email where children can be contacted
C.	Other Explain
	anges to the schedule ack all that apply The parties may agree to additional visitation or changes to the schedule. If one parent fails to arrive at the appointed time, then the other parent will wait for at least minutes before cancelling the visit. No changes allowed except by a court order. Other Explain
(C) (A)	nt physical care plan only if both Petitioner and Respondent are given joint physical care. How Petitioner and Respondent will make decisions about the children: For example, decisions on school, medical care, religion, and other decisions parents make for their children.
b.	How the children's time will be divided between Petitioner and Respondent: You may use sections 3, 4, 5, 6, 7, and 8 for holidays, school breaks, and birthdays.

Rule 17.200—Fe	orm ?	a 230: Proposed Parenting Plan, continued			
	C.	1 3	expenses such	ı as clothe	s, activities,
		and school fees.			
	d.	How Petitioner and Respondent will deal with major chechildren (including changes due to the children's age a	langes or disa Ind developm	agreemer ent):	nts about the
	e.	Other issues:			
(13)	Che	esolving disagreements heck one efore going to court to resolve disagreements, Petitioner Ask the following person to help them resolve disagr		lent will	
		Name Relationship	to parties	() Phone nun	nber
	b.	Present street address City Go to mediation. Do not check if mediation will not w		State domestic	ZIP code violence
		or an injunction.			

Continued on next page

Rule 17.200—Form 230: Proposed Parenting Plan, continued

3.	Attori Check of	ney Help					
	A. C		d not help m	ne prepare	or fill in this paper	•	
	в. О	An attorney he					
		If you check B, y					
		Name of attorney	or organizatio	on, if any	Attorney's P.I.N.	# -Ask the att	orney
		Business address	of attorney or	organization	ı City	State	ZIP code
		()		()		
		Attorney's phone	number	Attorney's) fax number – optional	Attorney's e	mail address – optional
	I, Print I maile attorne	your name	of this Propo	, ce sed Parenti	lly be served on regist ritify that on <i>Month</i> ng Plan to the other	\bar{I}	
5.		or attorney's mail		c	lity	State	ZIP code
					tody and visitation is nd make it a part of		
					ertify under penalty		
	Prin	at your name					
			ne court to ad	opt this Pro	oposed Parenting P posed Parenting Pla		e with the Plan and
	Month		- Day	, 20 <u></u>	Your signature*		
	MOnin		Duy	1 eur	10ur signature		
	Mailing	g address		C	ity	State	ZIP code
	(2 4 4000 NA 104	and any contract to the contra
	Phone i			nail address			address – if available
		er filing electronical he form after signing			write your signature on i	this form. If you d	re filmg electronically,
Dec	ember 20	13		Rule 17.	200—Form 230		Page 9 of 9

[Court Order December 19, 2013]

Forms 231 to 300: Reserved

Rules 17.201 to 17.299 Reserved.

Rule 17.300 Forms for modifying child support. The following forms are for use in actions to modify a current child support order from an Iowa court.

Form 301: Application to Modify Child Support

Form 302: Cover Sheet for an Application to Modify Child Support

Form 303: Confidential Information Form

Form 304: Original Notice for Personal Service
Form 304a: Original Notice for Personal Service

Form 305: Acceptance of Service

Form 306: Directions for Service of Original Notice

Forms 307 and 308: Reserved

Form 309: Application and Affidavit to Defer Payment of Costs

Form 310: Affidavit of Service of Original Notice and Application to Modify Child

Support

Form 311: Protected Information Disclosure

Forms 312 to 314: Reserved

Form 315: Answer to Application to Modify Child Support

Form 316: General Answer to Application to Modify Child Support

Forms 317 to 321: Reserved

Form 322: Motion in a Child Support Modification

Form 323: Response to a Motion in a Child Support Modification

Form 324: Child Support Modification Financial Statement

Form 325: Affidavit of Mailing Notice

Form 326: Notice of Intent to File Written Application for Default Decree

Form 327: Request for Relief in a Child Support Modification

Form 328: Settlement Agreement on an Application to Modify Child Support

Forms 329 to 400: Reserved

[Court Order December 19, 2013; March 6, 2014]

B.

Rule 17.300—Form 301: Application to Modify Child Support

Read the Guide to Representing Yourself in a Child Support Modification Case in Iowa on the Iowa Judicial E	3ranch w	ebsite
before using this form.		

- You cannot use this form to change child custody, physical care, or visitation arrangements.
- You cannot use this form if there is no current lowa court order or decree setting child support.
- Use this form only if you want to increase, decrease, or stop child support.
- "Applicant" is the person who files the first paper (an Application) to start a case to modify (change) child support. Applicant could have been either Petitioner or Respondent in the original case.

If you d	not understand how to use this form, or if you should use this form, talk to an attorney
	If filing in paper, you may use form 311 to provide any protected information in full.
	If filing electronically, you must provide any protected information in full on form 311.

- **1. Personal Information** Fill in all information that you know. If you have been assaulted by your spouse and fear for your safety, you may leave your street address, phone number, and email blank.
 - A. Applicant's (the party seeking to modify child support) information:

Full name: first, middle, last		Birth	year
Applicant's present street address	City	State	ZIP code
County	Phone number	Email a	ddress
Other parent's information:			
Full name: first, middle, last		Birth	year
Other parent's present street address	City	State	ZIP code
County	Phone number		Advace

	C.	Other person (non-parent) who receives child support Check one
		(1) There is no other person (non-parent) who receives child support in this case.
		(2) There is another person (non-parent) who receives child support in this case.
		If someone other than a parent gets child support in this case, check box (2) and fill in below the
		person's name, year of birth, present residence, and contact information.
		Full name: first, middle, last Birth year
		Present street address City State ZIP code
		County Phone number Email address
		County Phone number Email address
2.	Ge	neral Information about this Case
	A.	Current child support order
		(1) Date the current child support order was entered:
		Month Day Year
		(2) County and state where the order was entered:
		County State
		(3) Case number on the current child support order:
		Case number
		(4) Person who pays child support in this case:
		Name: first, last
		(5) Person who receives child support in this case:
		Name: first, last
		(6) Current amount of child support paid: \$ per
		Amount Frequency
	B.	Copy of current child support order Check one
		(1) A copy of the current child support order is attached.
		(2) A copy of the current child support order is not attached.
	C.	Child Support Recovery Unit (CSRU) Check one
		(1) The Child Support Recovery Unit (CSRU) is involved in this case. If CSRU is involved in this
		case, see the Important Notice to Applicant on page six of this form.
		(2) The Child Support Recovery Unit (CSRU) is not involved in this case.
	D.	Collection Services Center (CSC) Check one
		(1) The Collection Services Center (CSC) is involved in this case.
		The CSC number is:
		(2) The Collection Services Center (CSC) is not involved in this case.

E.	Other child support ord	lers Check on	e		
	(1) There are no oth	er child support	orders for the	child or children involved	d in this case.
	(2) There are other of	child support ord	ers for the ch	ild or children involved in	this case.
	They are:				
	Case Number	g.	Con	ınty	State
	ÿ 				
	Case Number			inty	State
	orders.	s box if you are at	taching a sepa	rate sheet listing additional	child support
F.	The following children	are covered by	the current	child support order:	
	First, middle, & last initials of each child	Birth year		First, middle, & last initials of each child	Birth year
	(1)			(4)	
	(2)			(5)	
	(3)			(6)	
G	Check this box if you h The child support amo			ting additional children. ause Check all that o	aro truo
Ο.	V-1		-	here the child or children	
	The person payir	ng support has c	ustody of the	children.	-
	If you check (1), w	rite the county wh	ere the juvenil	e court order was entered a	nd the case number.
	County			Case Number	
	15 1 5 C C C C C C C C C C C C C C C C C		3.5	nt who is paying support.	
	There is no court (3) One or more of the			or child support	
	(3) ☐ One or more of the(4) ☐ My (Applicant's)			or orling support.	
	(5) Respondent's (of		come has gor	ne up.	
	(6) ☐ Other reason Ex	plain			
Н.	Child support amount s	should be	Check all that	apply	
	(2) Lowered Explain				
	(3) Stopped Explain				

Ĭ.	Tax deduction for the children Check (1) or (2)	
	(1) There is no court order at this time on tax deductions for the children.	
	(2) There is a court order at this time on tax deductions for the children.	
	If you check (2), check a or b:	
	 A court order currently says who gets the tax deduction for the child or children and should stay the same. 	it
	b. A court order currently says who gets the tax deduction for the child or children and should be changed. <i>Explain</i>	it
		_
		_
J.	Health care expenses for the children	_
	Check (1) or (2)	
	(1) There is no court order at this time on who pays health care expenses.	
	(2) There is a court order at this time on who pays health care expenses. If you check (2), check a or b:	
	 A court order currently says who pays for health care expenses for the child or children and it should stay the same. 	
	b. A court order currently says who pays for health care expenses and it should be changed. <i>Explain</i>	
	.	_
		_
K	The other party is	
١٠.	Check each that is true	
	(1) In the military service	
	(2) In prison or jail at in in	
ř	Name of facility State	
L.	Protective or no contact order Check (1) or (2)	
	(1) There is no "protective order" or "no-contact order" between any of the parties and me	
	(Applicant).	
	(2) There is a "protective order" or "no-contact order."	
	If you check (2), fill in the following information:	
	a. County and state where the order came from:	
	County State	
	b. Court case number:	
ruary	2014 Rule 17.300—Form 301 Page 4 of	f 6

-			's Request
		olica	ant asks the court to:
	Che	ck a	ll that apply. The court will only consider items that are checked.
	(1)		Raise the current child support payment.
	(2)		Lower the current child support payment.
	(3)		End the current child support payment.
	(4)		Set child support for the parent who does not have the children.
	(5)		Change who gets the tax deduction for the child or children.
	(6)		Change who pays for health care expenses for the child or children.
	(7)		Order that the other party pay the court fees.
	(8)		Order that the other party pay my attorney fees.
	(9)		Other request:

Continued on next page

4.	Attorney Help Check one					
		id not help n	ne prepare d	or fill in this paper.		
	B. An attorney h	361	2 A			
	If you check B, 3	187	100			
	Name of attorne	y or organizati	on, if any	Attorney's P.I.N.	# – Ask the attorn	ey
	Business addres	s of attorney or	r organization	City	State	ZIP code
	()	o numbor	Attorney's t	ax number – optional	Attornev's ema	il address – antional
				ax mimoer opnomi	into mey s ema	ii uuui ess opiionui
5.	Service Instructio Check A or B only if App	-		lectronically		
	A. ☐ Applicant will				ev's address lis	sted above: or
	The last the second of the sec			ents in this case at		
^	09-2-0	507-5			J	
ь.	Oath and Signatu	re				
	l, Print your name		, have re	ead this Application	on, and I certify	under penalty
	of perjury and pursua					
	in this Application is			to or rowa that the	, illionnation i	iavo providou
	Q4 30		, 20			
	Signed on: Month	Day	Year	Your signature*		
	Mailing address		(City	State	ZIP code
	()		address			.0 1: 11
	Pnone number	Етан	aaaress	Add	litional email addr	ess, ij appiicabie
	* Whether filing electronical scan the form after signing			rite your signature on t	his form. If you are j	filing electronically,
			Important I	Notice to Applica	ınt	
	•	Sac payt n	\$ 5 8			
		See next b	age for instr	uctions for filing a	n Application.	
	•	You must s	538	uctions for filing a oplication and an	0 P	on the other
	•	You must sparties.	serve this Ap		Original Notice	

 See the Guide to Representing Yourself in a Child Support Modification Case in lowa for information on serving papers. Instructions for Rule 17.300-Form 301: Application to Modify Child Support, continued

Do not file these instructions

Instructions for Filing an Application to Modify Child Support

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically, even if your original case was in paper, unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Application electronically

- If you are filing your Application in a county that uses electronic filing, you must register to
 electronically file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented)</u> for eFiling.
- After you have registered, log in to the electronic filing system to electronically file your Application.
- For help electronically filing your Application, see <u>How to eFile a New Case</u>.
- With your Application, you must also file an Original Notice (304) and a Protected Information Disclosure (311).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling
 of your Application and other documents.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your filing. For help, see <u>How to Resubmit a Returned Filing</u>.
- Log in to your eFile account and download and print your Application and Original Notice so that you
 can serve it on (deliver it to) the other party.
- For help finding and downloading your Application and Original Notice, please see <u>My Filings</u>
 <u>Reference Guide</u>.

Filing your Application in paper

- If the county where you will be filing your Application does not yet accept electronic filing, you must
 proceed in paper. If the county does accept electronic filing, you must proceed electronically, unless
 you have received permission from the court to file in paper.
- With your Application (301), you must also file an Application Cover Sheet (302), an Original Notice (304a), and a Confidential Information Form (303).
- Forms 301 and 304a: Make two photocopies if you can deliver copies of these forms to the other party
 in-person or by mail. Make three photocopies if you are going to ask the county sheriff or a civil
 process server to deliver these forms to the other party.

Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.

- If the Child Support Recovery Unit (CSRU) is involved in your child support modification case, you
 must also provide each form you file to the CSRU office that serves the county where your child
 support case is filed.
- Forms 302 and 303: You do not have to make photocopies of these forms.

Instructions for Rule 17.300-Form 301: Application to Modify Child Support, continued

- Take the original forms you filled in and the photocopies to the clerk of court office in your county.
 Tell the clerk at the counter you are filing an Application to Modify Child Support.
- · Give the clerk at the counter these forms:
 - 301 Application to Modify Child Support
 - 302 Coversheet for an Application to Modify Child Support
 - 303 Confidential Information Form (Do not make copies of this form.)
 - 304a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 309.
- The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these fees
 and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (304a). You will have to serve this form on (deliver it to) the other party.
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions

February 2014

Rule 17.300—Form 302: Cover Sheet for an Application to Modify Child Support.

Applicant uses this form for p	paper filing only; do not fi	le in electronic cases.		
For court use only Case num	ber	County where case is file	ed	-
Applicant				
Applicant's first name	Middle name	Last name		-
Street address		City	State	ZIP code
() Phone number	Email address	in the second se		
Case name				
Petitioner's first name	Middle name	Last name		-
VS.				
Respondent's first name	Middle name	Last name		
Nature of the Case:	EQUITY—Domesti Modification—child	ic Relations ren involved (CD-DC)		
	252A—Support action 252A.18—Foreign supp	ort (DR-D3)		
	252B.11—Cost recover			
	252C—Administrative C			
	252D—Income withhold	The Control of the Co		
	252E—Medical support 252K—UFISA (DR-R1)	(וע-אט)		

Note to Applicant

- Applicant must complete this cover sheet if filing in paper and give it to the district court clerk when filing an Application to Modify Child Support.
- Do not serve this cover sheet on Respondent.
- This cover sheet is for statistical purposes only. It has no legal effect in the case.
- For electronic filers: You do not have to file this form. This information is automatically generated when you submit your documents electronically.

Page 1 of 2

February 2014

Rule 17.300—Form 303: Confidential Information Form

This form is to be used by paper filers only.

Each party must complete one of these forms if filing in paper.

lowa Code section 602.6111 requires the parties to a case to provide the clerk of court with certain personal identification information. Each party's completed form will be kept confidential by the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	the Iowa District Court for	County where Ap	County where Application is filed		
Jр	on the Petition of	Equity cas	se no		
	titioner name of Petitioner as it is in the Application	Con	fidential Information Form		
n	d concerning				
	spondent name of Respondent as it is in the Application				
۱.	Applicant's Information				
	Full name: First, Middle, Last	Birth date	Social Security number		
2.	Other Party's Information	7			
	Full name: First, Middle, Last	Birth date	Social Security number		
3.	Children's Information				
	A. Child 1:				
	Full name: First, Middle, Last	/ / / _ Birth date	Social Security number		
	B. Child 2:	1			
	Full name: First, Middle, Last	Birth date	Social Security number		
	C. Child 3:				
	Full name: First, Middle, Last	Birth date	Social Security number		
	D. Child 4:				
	Full name: First, Middle, Last	Birth date	Social Security number		

Rule 17.300-Form 303

Rule	: 17.300—Form 303 Confidential Information Form, co	ntinued			
	E. Child 5:				
			/		
	Full name: First, Middle, Last	Birth date		Social Security n	umber
	Check this box if you have attached a s	separate sheet listing	additional child	ren.	
4.	Signature of Provider of Inform	nation			
	The party or parties submit this information in corused to enforce any support order under the Cod provided for in section 598. If a party's address conformation with the clerk of court or the Child Su	e of lowa, chapters 234 or employment changes	, 252A, 252C, 252I	F, 252H, 252K, or 6	00B, as
	Information provided by:				
		full name: first, middl	le, last		
				, 20	
	Your signature	Month	Day	Year	

Important Notice

Do not give copies of this form to anyone except the clerk of court.

Rule 17.300—Form 304: Original Notice for Personal Service

Applicant must serve	the Application on the	e other party within 90	days after filing	the Application.

Failure to meet this deadline may result in the court dismissing the Application.

Read the *Guide to Representing Yourself in a Child Support Modification Case in Iowa* on the Iowa Judicial Branch website for additional important instructions.

- ☐ If filing electronically, Applicant must complete this form.
- If filing in paper, Applicant must use form 304a.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

n the lowa District Court for					
			County where	rippiication is filed	
Upo	pon the Petition of		Original Notic		
	itioner ame of Petitioner as it is in the 2	Application		Personal Service	•
and	concerning				
	spondent ame of Respondent as it is in the	· Application			
To:					
	Petitioner or Responder	nt			
	Si=				
	Other person receiving	child support in this case,	if any.		
		covery Unit is involved in a overy Unit" on the second			
	Applicant (the part	y bringing this case) ha	as a lawsuit a	asking for a change in ch	
				orm 301) is attached to	this Notice.
		presented by an attor at information during the		ion case:	
	• Applicant's contac	in on ation during the	iis modifica	ion case.	
	Applicant's name				
	Mailing address	City	State	ZIP code	
	()				
	Phone number	Email address		- -	

For party receiving this Original Notice: Important instructions on next page

February 2014 Rule 17.300—Form 304 Page 1 of 3*

*Upon electronic filing, a clerk's signature page will be attached to this document as page 3.

Rule 17.300-Form 304: Original Notice for Personal Service, continued

Instructions to Party Receiving the Original Notice

- A. You must file an Answer or a Motion with the clerk of court in the above county within 20 days after you receive this Original Notice. If you do not file an Answer or Motion within 20 days after receiving this Original Notice, the court may enter a judgment against you giving Applicant what he or she asked for in the Application.
- B. For help in this case, and for forms that you must use if you choose to represent yourself without an attorney, visit the Iowa Judicial Branch website at http://www.iowacourts.gov/ and click on "Court Rules & Forms" or on "For the Public."
- C. If you received Application form 301, you may use Answer form 315.
- D. This case has been filed in a county that uses electronic filing. You must register to eFile through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/Efile and obtain a log in and password for filing and viewing documents in your case and for receiving service and notices from the court.
 - For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16
 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial
 Branch website.
 - For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules Chapter 16.
 - If you are unable to proceed electronically, you must receive permission from the court to file in paper.
 Contact the clerk of court in the county where the Application was filed for more information on being excused from electronic filing.
- E. If you electronically file your Answer or Motion, it will be served automatically on Applicant. A Notice of Electronic Filing (NEF) will tell you if the court has excused Applicant from electronic filing. If the court has excused Applicant from electronic filing, you must mail a copy of your Answer or Motion to Appliant.

Important Notice

You should talk to an attorney at once to protect your interests.

Rule 17.300—Form 304a: Original Notice for Personal Service

Applicant must serve the Application on the other party within 90 days after filing the Application.

Failure to meet this deadline may result in the court dismissing the Application.

Read the Guide to Representing Yourself in a Child Support Modification Case in Iowa on the Iowa Judicial Branch website for additional important instructions.

- ☐ If filing electronically, Applicant must complete form 304.
- lf filing in paper, Applicant must use this form (304a).

If you do not understand how to use this form, or if you should use this form, talk to an attorney,

n the Iowa District Co	urt for			County
		County where	e Application is filed	
Jpon the Petition of			Original Notice	
Petitioner ull name of Petitioner as it is in the A _j	pplication		Personal Servi	ce
nd concerning				
Respondent full name of Respondent as it is in the	Application			
-2:				
O: Petitioner or Responden	į.	, in the second		
1 chiloner of responden	•			
-	- C - B - S - C - C - C - C - C - C - C - C - C			
Other person receiving o	child support in this case,	if any.		
	overy Unit is involved in overy Unit" on the second			
support.			it asking for a change	
	oresented by an attor		form 301) is attached	to this Notice.
AN PARENTO SE ESTADO DE CARRO DE CARRO DE CARRO DE CARRO DE CARRO DE CARRO DE CARRO DE CARRO DE CARRO DE	t information during t	STATE OF THE STATE	tion case:	
<u> </u>				
Applicant's name		 ,,		
Mailing address	City	State	ZIP code	
()			— 5	
() Phone number	Email address			
() Phone number	Email address Important instruc	ctions on i	next nage	

Rule 17.300-Form 304a: Original Notice for Personal Service, continued

Instructions to Party Receiving this Original Notice

- You must file an Answer or a Motion with the clerk of court in the above county within 20 days after you receive this Application. If you do not file an Answer or Motion within 20 days after receiving this Application, the court may enter a judgment against you giving Applicant what is asked for in the Application.
- If you received Application form 301, you may use Answer form 315.
- After you file your Answer or Motion, you must serve a copy of it on Applicant.

(SEAL)		
	Clerk of Court	
		County Courthouse
		, lowa
	City	ZIP code

Important Notice

You should talk to an attorney at once to protect your interests.

Rule 17.300—Form 305: Acceptance of Service

Applicant must complete this section:

In the lowa District Court for	County where Application is file	ed	County
Upon the Petition of	Equity case no		
Petitioner Full name of Petitioner as it is in the Application	Acceptance	of Servi	ce
and concerning			
Respondent Full name of Respondent as it is in the Application			
Applicant must file this form with clerk of court soon	n after the other party signs it.		
Acceptance of Service, Oath, and Sig	gnature of Other Party ice, he or she must return this form t	o Applicant .	soon after
Acceptance of Service, Oath, and Sign of the other party completes this Acceptance of Serving signing it. Applicant will file it with the clerk of country.	gnature of Other Party ice, he or she must return this form t	2	
Acceptance of Service, Oath, and Sign of the other party completes this Acceptance of Services signing it. Applicant will file it with the clerk of county, Print your name copy of the Original Notice and the Applicate Service. I certify under penalty of perjury a	gnature of Other Party ice, he or she must return this form t rt, am the other party in this tion for this case. I have read nd pursuant to the laws of the	case. I re this Accep State of le	eceived a
Acceptance of Service, Oath, and Sign If the other party completes this Acceptance of Services signing it. Applicant will file it with the clerk of countries. I, Print your name copy of the Original Notice and the Applicate Service. I certify under penalty of perjury a information I have provided in this Acceptant	gnature of Other Party ice, he or she must return this form t rt, am the other party in this tion for this case. I have read nd pursuant to the laws of the	case. I re this Accep State of le	eceived a
Acceptance of Service, Oath, and Sign If the other party completes this Acceptance of Services signing it. Applicant will file it with the clerk of countries. I,	gnature of Other Party ice, he or she must return this form t rt, am the other party in this tion for this case. I have read nd pursuant to the laws of the	case. I re this Accep State of le	eceived a
Print your name copy of the Original Notice and the Applicat Service. I certify under penalty of perjury a information I have provided in this Acceptar	gnature of Other Party ice, he or she must return this form to trt, am the other party in this tion for this case. I have read nd pursuant to the laws of the nce of Service is true and corr	case. I re this Accep State of le	eceived a

Important Notice

By signing this form, you are not agreeing to what Applicant wants. You are only agreeing that you received a copy of the Original Notice and Application.

Rule 17.300—Form 306: Directions for Service of Original Notice

Applicant must complete this form if the sheriff or a process server will deliver the Application and Original Notice to the other party.

Do not use this form if the other party has already received the Application and Original Notice.

Do not file this form with the clerk of court in paper or electronically.

Give this form to the sheriff or other process server with your Application (301) and Original Notice (304 if electronically filing or 304a if filing in paper).

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

unty where Application is filed	Equity cas	e number		
Name and Location of		r Process Server		
Check one and fill in the blan	ks			
A. Sheriff In county w	here the other party wil	l be served		
	County			
Street address		City	State	ZIP code
B. Other process se	rver			
Name of other proces	ss server serving the Not	- ice		
Street address		City	State	ZIP code
Person to be Served				
Other party's name		Phone number		
Address where the other party	v can be served	City	State	ZIP code
Person Requesting S	Service	()		
Your (Applicant's) name		Phone number		
Your (Applicant's) present mo	iiling address	City	State	ZIP code
Special Instructions	for Service Provide	le information that will h	elp the sheriff o	r process serve
-				
8				
P				
9				

Rule 17.300—Form 306: Directions for Service of Original Notice, continued

5.	Costs of Service					
	Check one					
	A. Applicant will pay the costs of the Sheriff If you cannot afford the costs, file form 309.	or other process server.				
	B. Costs for Sheriff deferred by court order:					
		Clerk of court: Sign only if costs deferred by court order				
6.	Notification					
	After completion of service, the sheriff or other procrequesting service.	cess server will notify the person				
	, 20					
	Date signed: Month Day Year	Your signature				

Forms 307 and 308: Reserved

Rule 17.300—Form 309: Application and Affidavit to Defer Payment of Costs

Applicant uses this form only if Applicant cannot afford to pay the fees to file and serve the Application.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- Costs and fees paid to someone other than the court or sheriff cannot be waived.
- You may need to provide proof of your income and assets and your expenses.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

e lowa District Court for	count where Application is filed			
the Petition of	Equity case no			
oner e of Petitioner as it is in the Application oncerning	Application and Affidavit to Defer Payment of Costs			
ondent e of Respondent as it is in the Application				
equest				
For my Application and Affidavit, I state that: Check all that apply (1)				
Household There are people living in my house	ehold.			
My household income is \$ per month. Put the total amount of all income and benefits before deductions for all members of your household.				
My income comes from: List the sources of your income. Examples: salary,	wages, or benefits such as unemployment, Title 19, FIP.			
	The Petition of oner onder ondent ondent on of Petitioner as it is in the Application oncerning ondent on of Respondent as it is in the Application equest My name is For my Application and Affidavit, I state the Check all that apply (1)			

Rule 17.300—Form 309: Application and Affidavit to Defer Payment of Costs, continued

F.	My household has the	e following monthly expenses:
	(1) Rent or mortgage	\$
	(2) Utilities	\$
	(3) Phone	\$
	(4) Food	\$
	(5) Transportation	\$
G.	I have \$	in cash, checking, and savings.

Continued on next page

2. Attorney Help

Rule 17.300—Form 309: Application and Affidavit to Defer Payment of Costs, continued

	Check	one						
	A. 🗆	An attorney	did not help	me prepare o	r fill in this paper.			
	В. 🗌	An attorney	helped me p	repare or fill i	n this paper.			
		If you check E	3, you must fill i	n the following in	nformation:			
		Name of attor	ney or organiza	ition, if any	Attorney's P.I.N.	# – Ask the attorn	ney	
		Business addr	ess of attorney	or organization	City	State	ZIP code	
		()		()	ax number – optional			
		Attorney's ph	one number	Attorney's fo	ax number – optional	Attorney's ema	il address – optional	
3	Carti	fication of 9	Service by I	Mailing or D	olivory			
J.					he other party is exer	npt from electronic	e filing.	
		_			ly be served on regis	_		
	Ĭ.			cer	tify that on		20	
	Print	t your name		, 001	tify that on <i>Month</i>	Day	, 20 <u></u>	
	I maile	d or gave a co	py of this App	lication and Aff	idavit to the other p	arty or the other	party's attorney	
		address:			Control of the Contro	PORTOR PROPERTY CONTRACTOR OF THE PROPERTY CONTRACTOR OF THE CONTR	Proposition of the control of the co	
	Name o	of person to who	om I delivered or	r mailed it				
		J P						
	Party's	s or attorney's n	nailing address	Cit	v	State	ZIP code	
			ember effect 🛥 er viet des 5 Value ent 2	•	e.			
4.		and Signat						
	l,	Modes and all		_, certify unde	er penalty of perjur	y and pursuant	to the laws of	
		Print your r	<i>1</i> ame					
	the Sta	the State of Iowa that I have read this Application and Affidavit and that the information I have						
	provid	ed in this App	lication and A	Affidavit is true	and correct.			
			_					
	Signad	on: Month	, Z	$\frac{20}{Year}$ ${You}$	ır sionaturo*		*	
	Digneu	on. Monun	Duy	101	ir signature			
		to the second				- Caretten	o 8 <u></u>	
	Mailing	g address		Cit	y	State	ZIP code	
	()						
	Phone	number	Ema	il address	Ada	litional email addr	ess – if available	
	w 7771 .	* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically,						
			ncally or in paper ning it and then fi		rite your signature on t	us form. If you are j	uing electronically,	
	scurt.	an join ujiei sigi	ing is will there ji.	и спесы описшиу.				
Feb	oruary 201	4		Rule 17.30	0—Form 309		Page 3 of 3	

Rule 17.300—Form 310: Affidavit of Service of Original Notice and Application to Modify Child Support

Applicant: Use this form only if someone other than Applicant (you), or a person who is not a sheriff or a process server, delivered a copy of the Application to the other party.

- The person, other than Applicant, who gave the Application and Original Notice to the other party, fills in this form.
- Applicant, or the person who gave the Application and Original Notice to the other party, must file this form with the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa D	istrict Cou	rt for	County where A _I	oplication is file	C	ounty
Upon the Petition o	f		Equity	case no		
Petitioner Full name: firs	st, middle, last			idavit of Se ce and App Child		to Modify
and concerning						
Respondent Full nam	e: first, middle, la:	af	- 2			
1. Affidavit						
I,			_, delivered	a copy of the	e Original	Notice and
Name of person –	Cannot be Appli	cant, sheriff, c	or process server		J	
Application to Modi	ify Child Sup	port for this	s case to:			Check one
						☐ a.m.
		on	1	, 20_	at	p.m.
Name of Other Parent		Month	7	Day Y	ear Tin	me
by handing the other	er party copi	es of the at	tached paper	S.		
2. Oath and Signat		ousa tlea Ameli	antion to the oth	au na auda i		
To be completed by the	71 (47)	200.00				
l, Print your name			, have reac	I this Affidavi	it of Servi	ce, and I certify
		200		name our care	1991 01194	1 1 10 10 F
under penalty of pe					a that the	information I
have provided in th	iis Affidavit o	f Service is	true and cor	rect.		
9-	,	20	Your signature			
Signed on: Month	Day	Year	Your signature	*		
Mailing address			City		State	ZIP code
()_ Phone number	<u>Em</u> c	iil address			l email addi	ress – if applicable
J - 6 GV - 2						J. FF
* If you are filing electro	nically, scan the	form after sign	ning it and then fil	e electronically.		
February 2014		Rule 1	7.300—Form 310			Page 1 of 1

[Court Order March 6, 2014]

It is the responsibility of counsel, if any, and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made. For electronic filers, see Division VI of chapter 16 of the Iowa Court Rules. For paper filers, see Iowa Rule of Civil Procedure 1.422.

Use this form to identify the full version of any protected information redacted in other documents you have filed.

- ☐ If filing electronically:
 - Applicant must complete this form (311) and file it with the Application (301) and Original Notice (304).
 - The other party must complete this form if adding or correcting protected information.
- Paper filers also may use form 311 to assist in complying with Iowa Rule of Civil Procedure 1.422.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	County
	County where Application is filed
Upon the Petition of	Equity case no
Petitioner Full name of Petitioner as it is in the Application	Protected Information Disclosure
and concerning	
Respondent Full name of Respondent as it is in the Application	

For electronic filers:

When protected information, as defined in lowa Court Rule 16.602, is required by law to be included or is material to the case and must be included in non-confidential documents, a party shall include the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules Pertaining to the Use of the Electronic Document Management System, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted.

1. Petitioner

Provide the complete version of protected information here, and the redacted version should be included in documents you file.

Name

First Middle Last Protected Information Type Complete Information Redacted Information (See Rules 16.602 and 16.604) (See Rule 16.605) A. Social security number XXX-XX-XXXX Last four digits only B. Financial account numbers Full account number Partial account number only C. Date of birth mm/dd/yyyy Year only D. Individual taxpayer identification numbers XXX-XX-XXXX Last four digits only

E.	Personal identification numbers	Full number	Partial only
F.	Other unique identifying numbers	Full number	Partial only
G.	ss.		
L	Additional protected information	Full information	Partial information
H.			
	Additional protected information	Full information	Partial information
1.			
	Additional protected information	Full information	Partial information
J.			
	Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Petitioner.

2. Respondent

Provide the complete version of protected information here, and the redacted version should be included in documents you file.

Name	~ ~		
First	Middle	Last	

Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
A. Social security number	XXX-XX-XXXX	Last four digits only
B. Financial account numbers	Full account number	Partial account number only
C. Date of birth	/ / mm/dd/yyyy	Year only
D. Individual taxpayer identification numbers	XXX-XX-XXXX	Last four digits only
E. Personal identification numbers	Full number	Partial only
F. Other unique identifying numbers	Full number	Partial only
G.		
Additional protected information	Full information	Partial information
H.		
Additional protected information	Full information	Partial information
Ī _z		
Additional protected information	Full information	Partial information
J.		
Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Respondent.

3. Other Parties

Provide the complete version of protected information here, and the redacted version should be included in documents you file.

ne		
First	Middle	Last
Protected Information Type	Complete Information (See Rules 16.602 and 16.604	
A. Social security number	 XXX-XX-XXXX	Last four digits only
B. Financial account numbers	Full account number	Partial account number only
C. Date of birth	mm/dd/yyyy	Year only
Individual taxpayer identification numbers	 XXX-XX-XXXX	Last four digits only
E. Personal identification numbers	Full number	Partial only
F. Other unique identifying numbers	Full number	Partial only
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information

Partial information

4. Children

Additional protected information

Provide the complete version of protected information here, and the redacted version should be included in documents you file.

A.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	mm/dd/yyyy	Year only

Full information Check this box if you are attaching a separate sheet listing additional information for other parties.

B.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	 XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

Э.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	 XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

Ο.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / / mm/dd/yyyy	Year only

E.	Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

Check this box if you are attaching a separate sheet listing additional children.

Continued on next page

Handwritten signature of party or attorney if filing in paper		S Electronic signature of partifiling electronically	rty or attorney
Law firm, if applicable			
Mailing address	City	State	ZIP code
() Phone number			
Email address		Additional email address, if a	pplicable

The party served with an Application to Modify Child Support must file an Answer within 20 days after receiving the Application and Original Notice, or the court may enter a judgment against that party giving Applicant what he or she asked for in the Application.

Use this Answer form 315 if you received Application form 301, otherwise use form 316.

Read the Guide to Representing Yourself in a Child Support Modification Case in Iowa on the Iowa Judicial Branch website before using this form.

- 星 If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (311) if you have not already done so.
- If filing in paper, you may use form 311 to provide any protected information in full..

n the	lowa	District Court for	County where Application is filed
r.		pplication of	Equity case no Answer to Application to Modify
		oner as it is in the Application	Child Support
Resp	onder	nt	
Full nam	ne of Respo	ndent as it is in the Application	
Full nam	ne of Respo	ndent as it is in the Application Information Fill in all info.	mation that you know. modify child support) information Check one
Full nam	ne of Respo	Information Fill in all info	
Full nam	rsonal	Information Fill in all info ant's (the party seeking to If paragraph 1A of the Petition	modify child support) information Check one
Full nam	rsonal	Information Fill in all information Fill in all information ant's (the party seeking to If paragraph 1A of the Petition Applicant's name, birth year, Application.	modify child support) information Check one (form 301) is not correct, check (2) and fill in the blanks. present residence, and contact information are correct in the
Full nam	rsonal Applic	Information Fill in all information Fill in all information ant's (the party seeking to If paragraph 1A of the Petition Applicant's name, birth year, Application. Applicant's name, birth year,	modify child support) information Check one (form 301) is not correct, check (2) and fill in the blanks. present residence, and contact information are correct in the
Full nam	rsonal Applic	Information Fill in all information Information Fill in all information ant's (the party seeking to If paragraph 1A of the Petition Applicant's name, birth year, Applicant's name, birth year, Applicantion.	modify child support) information Check one (form 301) is not correct, check (2) and fill in the blanks.
Full nam	rsonal Applic	Information Fill in all information Fill in all information If paragraph 1A of the Petition Applicant's name, birth year, Application. Applicant's name, birth year, Application. The correct information is:	modify child support) information Check one (form 301) is not correct, check (2) and fill in the blanks. present residence, and contact information are correct in the present residence, and contact information are not correct in the

	B.	Your (other parent's) information If paragraph 1B of the Petit			check (2) and fill i	in the blanks.			
		(1)	Your (other parent's) name	e, birth year,	present residen	ce, and contact ir	formation are correct			
			in the Application.							
		(2)	Your name, birth year, pres	sent residen	ce, and contact	information are n	ot correct in the			
			Application.							
			The correct information is	3:						
			Full name			Birt	h year			
			Present street address		City	State	ZIP code			
				()					
			County	Phone	number	Email	address			
	C.	Other	person (non-parent) who	receives o	child support	Check one				
		(1)	There is no non-parent who gets child support in this case.							
		(2)	There is a non-parent who	o gets child	support in this	case.				
		If y	you check (2) check a or b.							
		a.	☐ The information about t	the other pers	on who receives	child support is co	orrect in the			
			Application.			***				
			 If you check a skip to 	02.						
			 If paragraph 1C of t 	the Applicatio	n (form 301) is i	not correct, check	b and fill in the blanks.			
		b.	The information about t Application. The correct			child support is no	ot correct in the			
		Fui	ll name: first, middle, last				Birth year			
		2.00					2			
		\overline{Pre}	esent street address	City		State	ZIP code			
				(1	Z. Tarre	21 0000			
		Con	unty	Phone i	ıumber	Email	address			
_	_	70220200000 •	I							
2.			Information about thi	is Case						
	Α.		t child support order				oo≰haaya o ≰ oou			
			f paragraph 2A of the Application (form 301) is not correct, check b and fill in the blanks.							
		(1) Date order entered Check one								
		a.	The Application provides the correct date of the child support order.							
		b.		The Application does not provide the correct date of the child support order.						
			El Material Salary	765	,					
			Month	Day	Year					

	(2)	(2) County and state where the order is entered Check one				
		a.		The Application provides the correct county and state of the current child support order.		
		b.		The Application does not provide the correct county and state of the current child support order. The correct county and state is: $\frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \left(\frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \left(\frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \left(\frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} \int_{-\infty}^{\infty$		
			Con	inty State		
	(3)	Ca	se nı	umber of the current child support order Check one		
		a.		The Application provides the correct case number of the current child support order.		
		b.		The Application does not provide the correct case number of the current child support order. The correct case number is:		
				Case number		
	(4)	Per	rson	who pays child support Check one		
	1.7	a.		The Application provides the correct name of the person who pays child support in this		
				case.		
		b.		The Application does not provide the correct name of the person who pays child support in this case. The correct name is:		
				Name: first, last		
				wane. Jrst usi		
	(5)	Pei	rson	who receives child support Check one		
	(0)	a.		The Application provides the correct name of the person who receives child support in		
		۵.	ш	this case.		
		b.		The Application does not provide the correct name of the person who receives child support in this case. The correct name is:		
	(0)	_		Name: first, last		
	(6)	Cu	rrent	amount of child support paid		
		a.	Ц	The Application provides the correct name of the person who receives child support in this case.		
		b.		The Application does not provide the correct name of the person who receives child support in this case. The correct amount is:		
				\$per Amount Frequency		
В.	Со	ру с	of cu	rrent child support order Check one		
	(1) A copy of the current child support order was attached to the Application.					
	(2) A copy of the current child support order was not attached to the Application.					

Child S	Support Recovery Unit (CS	SRU) Che	ck one	?	
(1)	The Child Support Recovery	y Unit (CSRU)) is inv	volved in this case.	
(2)	The Child Support Recover	v Unit (CSRU)) is no	t involved in this case.	
	The state of the second state of the second				
D. Collection Services Center (CSC) Check one					
(1)	The Collection Services Ce	nter (CSC) is	involv	ed in this case.	
	The CSC number is:				
(2)	The Collection Services Ce	nter (CSC) is	not in	volved in this case.	
Other	shild support orders				
	* *				/ : / L:
(2) 📙	2.2	rt orders for th	ne chi	ld or children involved in	this case.
	They are:				
	Case Number	72A	Cou	ntv	State
			10000000000	,	25.50.55.6
	Case Number		Cou	nty	State
	Check this box if you orders.	are attaching a	a sepai	rate sheet listing additional	child support
Children covered by current child cuppert order Charle and					
ST STATE STA					
order.					
(2) The Application does not correctly identify the children covered by the current child support order. The following children are covered by the current child support order:					
	First, middle, & last initials of each child	Birth year		First, middle, & last initials of each child	Birth year
	illitials of each child			Illitials of each child	2
	(a)			(d)	
	(a)			(d)	
	(1)	(1) The Child Support Recovery (2) The Child Support Recovery Collection Services Center (CSC) (1) The Collection Services Center (CSC) (1) The Collection Services Center (CSC) The CSC number is:	(1) The Child Support Recovery Unit (CSRU) (2) The Child Support Recovery Unit (CSRU) Collection Services Center (CSC) Check on (1) The Collection Services Center (CSC) is The CSC number is: (2) The Collection Services Center (CSC) is Other child support orders Check one (1) There are no other child support orders for the CSC orders. Case Number Case Number Check this box if you are attaching a orders. Children covered by current child support order (1) The Application correctly identifies the choorder. (2) The Application does not correctly identifies support order. The following children are	(1) The Child Support Recovery Unit (CSRU) is involved. (2) The Child Support Recovery Unit (CSRU) is not consider the Collection Services Center (CSC). Check one (1) The Collection Services Center (CSC) is involved. The CSC number is:	(1) The Child Support Recovery Unit (CSRU) is involved in this case. (2) The Child Support Recovery Unit (CSRU) is not involved in this case. Collection Services Center (CSC) Check one (1) The Collection Services Center (CSC) is involved in this case. The CSC number is: (2) The Collection Services Center (CSC) is not involved in this case. Other child support orders Check one (1) There are no other child support orders for the child or children involved in They are: Case Number

G.	Amount of child support					
	(1) Juvenile court order If you check a, check i or ii					
	 a. It is correct that there is a juvenile court order that changed where the child or children were living. The person paying support has custody of the children. 					
			i.	☐ The county and case number are correct in the Application.		
			ii.	☐ The county and case number are not correct in the Application.		
				If you check ii, provide the correct information below		
				The correct information is:		
				County Case number		
		b.		There is no juvenile court order that gives care of the child to the party paying support.		
	(2)	Wh	o chi	ldren live with Check a or b		
		a. b.		It is correct that one or more of the children now live with the person paying support. None of the children now live with the person who is ordered to pay support.		
	(3)	Qu	alifvi	ing for child support Check a or b		
	(-)	a.		It is correct that one or more of the children no longer qualify for child support.		
		b.		There has been no change in the number of children who qualify for child support.		
	(4)		_			
	(4)	Applicant's income Check a or b				
		a.		I agree that Applicant's income has gone down.		
	(5)	b.	Ш	I do not agree that Applicant's income has gone down.		
	(5)		inco	come Check a or b		
		a.		I agree that my income has gone up.		
	b.					
	(6)	My	resp	oonse to Applicant's "other reason" for requesting a change in child support:		
		_				
		_				
Н.	Ch	ild s	supp	oort amount should be Check all that apply		
	(1) Raised Explain					
	(2) Lowered Explain					
	(3)		Sto	pped Explain		
	(4) Not be changed Explain					

I.	Tax de	eduction for the children $Check(1) or(2)$						
	(1)	There is no court order at this time on tax deductions for the children.						
	(2) There is a court order at this time on tax deductions. If you check (2), check a or b:							
	a.	☐ A court order currently says who gets the tax deduction for the child or children should stay the same.	en and it					
	b.	A court order currently says who gets the tax deduction for the child or children should be changed. <i>Explain</i>	n and it					
		<u> </u>						
J.	Health	n care expenses for the children Check (1) or (2)						
		There is no court order at this time on who pays health care expenses.						
		There is a court order at this time on who pays health care expenses.						
	100 0	vou check (2), check a or b:						
		 A court order currently says who pays for health care expenses for the chechildren and it should stay the same. 	nild or					
		b. A court order currently says who pays for health care expenses and it sho be changed. Explain	ould					
K.	I (the c	other party) am Check each that is true						
	(1)	In the military service						
	(2)	In prison or jail atin						
		Name of facility State						
L.	Protective or no contact order Check (1) or (2)							
	(1) There is neither a "protective order" nor a "no contact order" between me and Applicant.							
	(2) There is a "protective order" or "no contact order" between me and Applicant. If you check (2), fill in the following information:							
		a. County and state where the order came from:						
		County State	е					
		b. Court case number:						

Rule 17.300—Form 315: Answer to Application to Modify Child Support, continued

3. I (the other parent) deny anything in the Application that I have not agreed is correct.

4. My (the other parent's) Request

•	l ask th	ne court to:
	Check a	ll that apply. The court will only consider items that are checked.
	(1)	Dismiss the Application to Modify Child Support and leave child support as is.
	(2)	Raise the current child support payment.
	(2)	Lower the current child support payment.
	(3)	Stop payment of child support completely.
	(4)	Set child support for the parent who does not have the children.
	(5)	Change who gets the tax deduction for the child or children.
	(6)	Change who pays for health care expenses for the child or children.
	(7)	Order that Applicant pay the court fees.
	(8)	Order that Applicant pay my attorney fees.
	(9)	Other request:

Continued on next page

Rule 17.300—Form 315: Answer to Application to Modify Child Support, continued

	Name of attorney or organization	on, if any	Attorney's P.I.N	I. # -Ask the atte	orney
	Business address of attorney or	organization	City	State	ZIP code
	()Attorney's phone number	()	700	- 1	
	Attorney's phone number	Attorney's fa	x number – optional	Attorney's ei	mail address – optiona
6.	Service Instructions for Filin	g in Paper			
	Check A or B only if you are filing in po	aper , not electr	onically		
	A. I will accept service of docu	ıments at the	attorney's addre	ess listed abov	e; or
	B.	ments in this	case at the mailir	ng address bel	ow.
7	Cartification of Sarvice by M	ailing or D	divory for Eili	ng in Banor	
1.	Certification of Service by Ma Section 7 to be completed only if filing it.				ling.
					O
	This document, if filed electronically, with			stered parties.	
	505W W	ll automatically	be served on regis	(37)	, 20
	l,	ll automatically	be served on regis ify that on Month		2.77
	505W W	ll automatically	be served on regis ify that on Month		2.77
	I, Print your name I mailed or gave a copy of this An	ll automatically, cert	be served on regis ify that on Month		2.77
	l,	ll automatically, cert	be served on regis ify that on Month		2.77
	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or n	automatically, cert swer to App	be served on regis ify that on Month icant or Applica		2.77
	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not person to the person to per	ll automatically, cert	be served on regis ify that on Month icant or Applica	nt's attorney a	at this address:
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not a party's or attorney's mailing address Oath and Signature	swer to Applaailed it	ify that on	nt's attorney a	at this address:
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not person and signature Oath and Signature I,	swer to Applaailed it	ify that on	nt's attorney a	at this address:
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not party's or attorney's mailing address Oath and Signature I, Print your name	ll automatically	ify that on Month	nt's attorney a	at this address: ZIP code ify under penalty
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not approximately and address Oath and Signature I, Print your name of perjury and pursuant to the law	Il automatically	ify that on Month	nt's attorney a	at this address: ZIP code ify under penalty
8.	I mailed or gave a copy of this An Name of person to whom I delivered or no Party's or attorney's mailing address Oath and Signature I, Print your name of perjury and pursuant to the law in this Answer is true and correct.	swer to Applantically	e read this Ansv	nt's attorney a	at this address: ZIP code ify under penalty
8.	I mailed or gave a copy of this An Name of person to whom I delivered or n Party's or attorney's mailing address Oath and Signature I, Print your name of perjury and pursuant to the law in this Answer is true and correct.	swer to Applantically , cert swer to Applantically , have s of the State	e read this Ansv	nt's attorney a	at this address: ZIP code ify under penalty
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not appropriate to the law in this Answer is true and correct.	swer to Applantically , cert swer to Applantically , have s of the State	e read this Ansv	nt's attorney a	at this address: ZIP code ify under penalty
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not appropriate to the law in this Answer is true and correct.	swer to Applantically , cert swer to Applantically , have s of the State	e read this Ansve of lowa that the r signature*	nt's attorney a	at this address: ZIP code ify under penalty
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not a party's or attorney's mailing address Oath and Signature I, Print your name of perjury and pursuant to the law in this Answer is true and correct. Signed on: Month Day Mailing address (Il automatically	e read this Ansve of lowa that the rsignature*	nt's attorney a State ver, and I cert ne information State	TIP code I have provided ZIP code
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not a party's or attorney's mailing address Oath and Signature I, Print your name of perjury and pursuant to the law in this Answer is true and correct. Signed on: Month Day Mailing address (Il automatically	e read this Ansve of lowa that the rsignature*	nt's attorney a State ver, and I cert ne information State	It this address: ZIP code ify under penalty I have provided
8.	I, Print your name I mailed or gave a copy of this An Name of person to whom I delivered or not a party's or attorney's mailing address Oath and Signature I, Print your name of perjury and pursuant to the law in this Answer is true and correct. Signed on: Month Day Mailing address (Il automatically, cert swer to Apple, cert swer to Apple, have sof the State	e read this Ansve of lowa that the rsignature*	nt's attorney a State ver, and I cert ie information State	if this address: ZIP code ify under penalty I have provided ZIP code

Rule 17.300—Form 315: Answer to Application to Modify Child Support, continued

Important Notice

- See next page for instructions for filing an Answer.
- · You must serve this Answer on the other parties.
- If the Child Support Recovery Unit (CSRU) is involved in this case, you must also serve the Answer on CSRU.
- See the Guide to Representing Yourself in a Child Support Modification Case in Iowa for information on serving papers.

Instructions for Rule 17.300—Form 315: Answer to Application to Modify Child Support

Do not file these instructions

Instructions for Filing an Answer to an Application to Modify Child Support

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

☐ Filing your Answer electronically

- If the Application was filed in a county that uses electronic filing, you must register to electronically
 file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented)</u>
 for eFiling on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you
 when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see How to eFile to an Existing Case.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your Applicant is exempt from electronic filing requirements, in which case, you
 must mail or serve in paper a copy of the document on Applicant if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- If the Child Support Recovery Unit (CSRU) is involved in your child support modification case, you
 must also provide each form you file to the CSRU office that serves the county where your child
 support case is filed.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where
 the Application was filed. The county is listed at the top of the Application (form 301).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on Applicant.
- You can hand one of the copies of the Answer form to Applicant, or mail a copy to Applicant spouse at the address shown on the Application.
- If Applicant has an attorney, you should serve the Answer by mailing a copy to the attorney at the
 attorney's address on the Application if box 5A on the Application is checked.

Do not file these instructions

February 2014

Instructions for Rule 17.300-Form 315

Page 1 of 1

Rule 17.300—Form 316: General Answer to Application to Modify Child Support

The party served with an Application to Modify Child Support must file an Answer within **20 days** after receiving the Application and Original Notice, or the **court may enter a judgment against that party** giving Applicant what he or she asked for in the Application.

If the Application you received is on form 301, use form 315 for your Answer.

Read the Guide to Representing Yourself in a Child Support Modification Case in Iowa on the Iowa Judicial Branch website before using this form.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (311).
- If filing in paper, you may use form 311 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	e Iowa District Court for	County where Application is filed					
Upo	n the Petition of	Equity case no					
	ioner ne of Petitioner as it is in the Application	General Answer to Application to Modify Child Support					
and d	concerning						
	pondent ne of Respondent as it is in the Application						
1. A	Answer						
А	. I admit that the following paragraphs in List the numbers of the paragraphs in the App paragraphs you list here are not true, it may be	lication that you think are true. If you decide later that the					
	l deny that the following paragraphs in the Application are true: List the numbers of the paragraphs in the Application that you think are false.						
В							

Rule 17.300—Form 316: General Answer to Application to Modify Child Support, continued

	D. I deny anything in the Application that is not admitted in this Answer.
	E. Other information:
2.	Request If you do not know what you want, talk to an attorney.
	l ask the court to: Write here what you would like the court to do. For example, tell the court if you want the amount of child support you pay or receive to stay the same. Be brief. Do not write long descriptions.
3.	Attorney Help Check one A. An attorney did not help me prepare or fill in this paper.
	B. An attorney helped me prepare or fill in this paper.
	If you check B, you must fill in the following information:
	Name of attorney or organization, if any Attorney's P.I.N. $\#$ – Ask the attorney
	Business address of attorney or organization City State ZIP code
	Attorney's phone number Attorney's fax number - optional Attorney's email address - optional
4.	Service Instructions
	If the party answering the Application is filing in paper Check one A. will accept service of documents at the attorney's address listed above; or
	B. will accept service of documents in this case at the mailing address below.

Continued on next page

Rule 17.300—Form 316: General Answer to Application to Modify Child Support, continued

l,			_, certify that on		, 20
E					
I mailed or gave a	a copy of thi	s Answer t	o Applicant or Applicar	nt's attorney at t	his address:
Name of person to w	hom I delivere	d or mailed i	t		
Party's or attorney's	mailing addre	SS	City	State	ZIP code
Oath and Signa	ature				
			_, have read this Answ	er, and I certify	under pena
Print your name			 āi		parameter parame
Print your name	rsuant to the	laws of th	e State of Iowa that the		•
Print your name of perjury and pu in this Answer is	rsuant to the true and cor	e laws of th	e State of lowa that the		•
Print your name of perjury and pu	rsuant to the	e laws of th			•
Print your name of perjury and pu in this Answer is	rsuant to the true and cor	e laws of th	e State of lowa that the		•
Print your name of perjury and pu in this Answer is	rsuant to the true and cor	e laws of th	e State of lowa that the	e information I h	nave provide

Important Notice

- See next page for instructions for filing an Answer.
- · You must serve this Answer on the other parties.
- If the Child Support Recovery Unit (CSRU) is involved in this case, you
 must also serve the Answer on CSRU.
- See the Guide to Representing Yourself in a Child Support Modification Case in Iowa for information on serving papers.

Rule 17.300—Form 316: General Answer to Application to Modify Child Support

Do not file these instructions

Instructions for Filing an Answer to an Application to Modify Child Support

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, check the map available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

■ Filing your Answer electronically

- If the Application was filed in a county that uses electronic filing, you must register to electronically
 file. For help with registration, see the eFiler's User Guide <u>How to Register Pro Se (Self Represented)</u>
 for eFiling on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you
 when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to EDMS</u>; or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see <u>How to eFile to an Existing Case</u>.
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of
 your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My
 Filings, correct the error, and resubmit your Answer. For help, see <u>How to Resubmit a Returned Filing</u>.
- The NEF will indicate if your Applicant is exempt from electronic filing requirements, in which case, you
 must mail or serve in paper a copy of the document on Applicant if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- If the Child Support Recovery Unit (CSRU) is involved in your child support modification case, you
 must also provide each form you file to the CSRU office that serves the county where your child
 support case is filed.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where
 the Application was filed. The county is listed at the top of the Application (form 301).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on Applicant.
- You can hand one of the copies of the Answer form to Applicant, or mail a copy to Applicant spouse at the address shown on the Application.
- If Applicant has an attorney, you should serve the Answer by mailing a copy to the attorney at the
 attorney's address.

Do not file these instructions

February 2014

Instructions for Rule 17.300-Form 316

Page 1 of 1

[Court Order June 17, 2008; March 6, 2014]

Forms 317 to 321: Reserved

Rule 17.300—Form 322: Motion in a Child Support Modification

Use this form if you want to ask the court to do something after your court case has already started. If you do not understand how to use this form, or if you should use this form, talk to an attorney. In the Iowa District Court for ____ County County where the Application is filed **Upon the Petition of** Equity case no. _____ **Motion in a Child Support** Petitioner Modification Full name of Petitioner as it is in the Application and concerning Respondent Full name of Respondent as it is in the Application Iam Check each that applies A. Petitioner B. Respondent C. Applicant 1. Request A. I ask the court to Check all that apply. If you check any box in A, you must tell the court why you are making this request in B. (1) Change the hearing date that has been set for Month Year (2) Set a hearing date for modification of child support. (3) Other request Explain ___ B. I am making the request(s) in this Motion because:

2. Attorney Help

Rule 17.300—Form 322: Motion in a Child Support Modification, continued

	A. An attorne					
	B. An attorne					
	If you check	B, you must fill	in the followin	g information:		
	Name of atto	orney or organiz	ation, if any	Attorney's P.I.N.	# – Ask the attorne	гу
	Business add	dress of attorney	or organizati	on City	State	ZIP code
	() Attorney's p	hone number	(Attorney)	Attorney's emai	l address – optiona
3.	Certification of	Service by	Mailing or	Delivery		
٠.	Section 3 to be compl			f the Applicant or the oth	her party is exempt	from electronic
	filing.	d alastropically	will automati	cally he served on regist	avad navtics	
	00 H 2010 0	7000		cally be served on registe	N=3	2020
	I, Print your name		, (certify that on	D	, 20
				e Applicant or other		
		.1. 11				
	Party's or attorney's	mailing address	7	City	State	ZIP code
	Party's or attorney's	_	3	City	State	ZIP code
4.	Oath and Signa	iture				
4.	Oath and Signa	iture		City certify under penalty o		
4.	Oath and Signa I, Print your name laws of the State o	iture			of perjury and pu	irsuant to the
4.	Oath and Signa I, Print your name	iture		certify under penalty o	of perjury and pu	irsuant to the
4.	Oath and Signa I, Print your name laws of the State o this Motion is true a	Iture f lowa that I hand correct.	, c	certify under penalty on the second that the	of perjury and pu	irsuant to the
4.	Oath and Signa I, Print your name laws of the State o	Iture f lowa that I hand correct.	, c	certify under penalty o	of perjury and pu	irsuant to the
4.	Oath and Signa I, Print your name laws of the State o this Motion is true a	Iture f lowa that I hand correct.	ave read this	certify under penalty on the second that the	of perjury and pu	irsuant to the
4.	Oath and Signal I, Print your name laws of the State of this Motion is true and Signed on: Month Mailing address ()	f lowa that I hand correct.	ave read this	certify under penalty of the second s	of perjury and purinformation I had	rsuant to the ve provided in
4.	I, Print your name laws of the State of this Motion is true and Signed on: Month	f lowa that I hand correct.	ave read this	certify under penalty of the second s	of perjury and pu	rsuant to the ve provided in
4.	Oath and Signal I, Print your name laws of the State of this Motion is true and Signed on: Month Mailing address () Phone number	f lowa that I hand correct. Day Emonically or in paper	ave read this 20 Year ail address er, you must han	certify under penalty of Society and that the Your signature* City Additional Addition	of perjury and purinformation I has	rsuant to the ve provided in ZIP code
4.	Oath and Signal I, Print your name laws of the State of this Motion is true and this Motion is true and the Signed on: Month Mailing address () Phone number * Whether filing electrons	f lowa that I hand correct. Day Emonically or in paper	ave read this 20 Year ail address er, you must han	certify under penalty of Society and that the Your signature* City Additional Addition	of perjury and purinformation I has	rsuant to the ve provided in ZIP code

Rule 17.300—Form 323: Response to a Motion in a Child Support Modification

Use this form if your spouse has filed a Motion (most likely form 322) and you disagree with what your spouse is asking the court to do in that Motion.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

ln	the lowa	District Court for	ty where the Application is filed	County
U	pon the	Petition of	Equity case no	
	etitioner	tioner as it is in the Application	Response to a Motion in a Ch Support Modification	ild
aı	nd concer	ning		
	esponde all name of Resp	ent pondent as it is in the Application		
l a	m eck each tha	t applies		
	A. 🗌 P	etitioner		
	В. 🗌 R	espondent		
	C. 🗆 A	pplicant		
1.	Motion			
	The other	party filed a Motion on	, 20 Day Year	
2.	Respon Check A or			
	A. 🗌 la	agree with the Motion.		
	B. 🗌 I d	disagree with the request(s) in the ${ t N}$	Notion because: Explain	
	_			·9
	7 <u>2</u>			
	_			
	-			
	_			16
	2			
	_	Continued o	n next page	

Rule 17.300—Form 323: Response to a Motion in a Child Support Modification, continued

3.	Attorney Help Check one							
		at halp ma prap	aro or fill in this nano	r:				
	A. An attorney did not help me prepare or fill in this paper.							
	B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information:							
	If you check B, you m	iusi jiu in ine jono	wing information.					
	Name of attorney or a	organization if an	y Attorney's P.I.N.	# – Ask the attorne	v			
	Traine of attorney or t	organization, y an	111101110 51 11111	a list inc ditorno	<u>.</u>			
	Business address of a	attorney or organiz	ation City	State	ZIP code			
	7.5°		5					
	Attorney's phone nun	nher Attorn	ney's fax number – optional	Attorney's em	ril address – optiona			
	Theorney is priorie than	310077	oy s just risino er opnona	Thorney s one	ist acidi oss opiiona			
4.	Certification of Service							
	Section 4 to be completed only	if filing in paper o	or if Applicant or the othe	r party is exempt fr	om electronic			
	filing. This document, if filed electron	nically will autom	atically he served on resi	stered narties				
	22 - 3 Table 20	(500)			20			
	I,		, certify that on Mont	$\frac{1}{Da}$, 20 v			
	I mailed or gave a copy of							
	Name of person to whom I del	ivered or mailed it	8					
	Party's or attorney's mailing	address	City	State	ZIP code			
5.	Oath and Signature							
	I,		certify under penalty	of perium and r	oursuant to the			
	laws of the State of Iowa t							
	in this Response is true ar		inis response and the	it the information	Thave provided			
		, 20	Your signature*					
	Signed on: Month Da	y Year	Your signature*					
	Mailing address		City	State	ZIP code			
	, x							
	Phone number	Email address	\overline{A}	dditional email add	ress – if available			
	* Whether filing electronically or scan the form after signing it a	5 /5 /05		this form. If you are	filing electronically,			

Job:

Title:
(3) Other income

Describe source:

Rule 17.300—Form 324: Child Support Modification Financial Statement

Caution: This form may require you to provide protected or sensitive information. Each party must complete one of these forms. If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (311) if you have not already done so. If filing in paper, you may use form 311 to provide any protected information in full if you have not already done so. If you do not understand how to use this form, or if you should use this form, talk to an attorney. In the Iowa District Court for _ County County where the Application is filed Upon the Petition of Equity case no. _ **Child Support** Petitioner **Modification Financial** Full name of Petitioner as it is in the Application Statement and concerning Respondent Full name of Respondent as it is in the Application I am Check each that applies A.

Petitioner B. Respondent C. Applicant , state that this is a true and complete statement of my assets, debts, and present income as of the _ 1. My Income *How often is income paid? $W = Weekly \ B = Bi$ -weekly (every other week) $M = Monthly \ T = Two times a month$ Gross Income Net Income A. Current income from employment and other sources Gross How often?* How often?* **Net Amount** Sources of income, not required to list name of amount W,B,M,TW,B,M,TAfter taxes Before taxes employer (1) Wages from employer Job: \$ \$ Title: (2) Wages from employer

\$

\$

\$

\$

(4) Other income Describe source:		\$		\$
(5) Other income Describe source:		\$		\$
Total gross and net income from employment and other sources		\$ Gross income total		\$ Net income total
B. Deductions allowed for child support calculations				
Tax status				
	Yes	No		
I am currently married to the other parent Check Yes or No				
I have custody of the children in this case <i>Check Yes or No</i>				
(1) Number of exemptions				
Yourself Guidelines allow one exemption for parent	1			
Children				
(2) Income tax withheld Federal			92	\$
State				\$
(3) FICA Social Security & Medicare				\$
(4) Mandatory pension contribution				\$
(5) Mandatory occupational license fees				\$
(6) Union dues				\$
(7) Prior court-ordered child support Paid to:			N.	\$
Paid to:				\$
Paid to:				\$
(8) Prior court-ordered medical support Paid to:				\$
Paid to:				\$
Paid to:				\$
			e e	

(9) Prior court-ordered spousal support (alimony) Paid to:										\$		
	(10			child care expenses due yment custodial parent only							\$	
	Total deductions									\$		
		Che	ck i	his box if you have attached	a sheet with	addition	al info	rmation on your i	icome an	d deductio	ns.	
2.	Soc	cial	Se	curity Disability (SSD):							
	Α.	SSD	be	enefits paid to you								
		(1) A	m	ount paid for your expe	nses			\$			_ per	month
		(2) E	3er	nefit paid for each child	in your hor	me		\$			_ per	month
		а	l.	Number of children red	eiving ben	efits		0	children			
		b).	List the children in you	r home wh	o receiv	ve SS	SD benefits U_{z}	se initial.	s only		
				First, middle, & last initials of each child	Birth yea	ar		First, middle, initials of each		Birth	year	
				i.				iv.				
				ii.			3	V.				
				iii.				vi.				
				Check this box if you and receive Social S				sting additional	children	who live	in you	r home
	B.	Bene	efit	s paid to other perso	n children	are liv	ing v	vith				
		(1) E	3er	nefit paid for each child	in other pe	erson's l	home	\$			_ per r	month
		(2) N	Jur	nber of children receivi	ng benefits	;		<u> </u>	children			
				the children who receivinitials only:	ve SSD be	nefits b	ut live	e with someone	e other t	han you	e.	
				First, middle, & last initials of each child	Birth yea	ar		First, middle, initials of each		Birth	year	
				i.				iv.				
				ii.				v.		e: 		
				III.				vi.				
				Check this box if you home and receive So					children	who do n	ot live	in your

3. Qualified additional dependent deduction

- List the initials and birth year of each child you are the legal parent of.
- Do not include any children covered by the child support order involved in this case.

First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
(1)		(4)	
(2)		(5)	
(3)		(6)	

Check this box if you have attached a sheet listing additional children for the qualified additional dependent deduction.

4.	Extraordinary	/ visitation	For noncustodial	parent only

(1)		er of court-ordered overnights in a year umber exceeds 127 days per year, provide a copy of the court order containing the visitation ons.
(2)	Physic	cal care
	a. 🗌	The court ordered equally shared physical care for the children. If the court ordered equally shared physical care for the children, the extraordinary visitation credit does not apply.
	b. 🗌	The court did not order equally shared physical care for the children.

Continued on next page

5. Assets Things you own.

A. Real estate

Property Address	Purchase Price	Debt Total amount you still owe on it
(1)	\$	\$
(2)	\$	\$

Check this box if you have attached a sheet with additional information on other r	r real esta	ier real	othe	ormation on	info	additional	with	a sheet	attached a	have	if you	ox	this b	Check	Ш
--	-------------	----------	------	-------------	------	------------	------	---------	------------	------	--------	----	--------	-------	---

B. Vehicles

Includes cars, trucks, motorcycles, and other motorized vehicles.

Make Make (e.g. Ford)	Year	Market value What it would sell for
(1)		\$
(2)		\$
(3)		\$

l	Checi	k this	box 1	f you	have	attack	ied a	sheet	with	addition	ıal in	formation	on	other	vehici	les.

~	0	-41-	- 0	L L -
C.	Securities.	Stock	S. &	ponas

Curren	t value of:	
(1)	Stocks	\$
(2)	Bonds	\$

D. Life insurance *Owner: P = Petitioner R = Respondent J = Joint (Both)

Life insurance Company name	Owner* P,R,J	Cash value Not death benefit	Loan from cash value Total amount still owed on loan	Cash value Minus loan owed
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

Check this box if you have attached a sheet with additional information on life insurance.

E. Bank accounts

Checking and savings accounts Bank or Credit Union name If you do not use bank accounts, write "Cash"	Account type Checking or Savings	Net value Cash value minus loan / overdraft owed
(1)		\$
(2)		\$
(3)		\$

Check this box if you have attached a sheet with additional information on other checking and savings accounts.

F. Other assets

Items not listed in the other boxes should be listed here. For example: jewelry, furs, guns, sporting goods, farm animals.

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Other assets Describe	Owner*	Market value What it would sell for	Debt Total amount you still owe on it and to whom owed	Net value Market value minus debt owed
(1)		\$	\$	\$
(1)		Ψ	to:	9
(2)		¢	\$	\$
(2)		\$	to:	Þ
(3)		¢	\$	c
(3)		\$	to:	\$

Check this box if you have attached a sheet with additional information on other assets.

6. Expenses

A. My expenses

List your living expenses

*How often paid?: $W = Weekly \ B = Bi$ -weekly (every other week) M = Monthly T = Two times a month A = Annually

Type of expense	Paid to	How often paid?* W,B,M,T,A	Monthly payment
(1) House payment or rent			\$
(2) Food At home & restaurants			\$
(3) Transportation (gas, bus fare) Not car loan payments – see (12).			\$
(4) Clothing			\$

(5) Medical, dental Not health insurance payments – see (10).		\$
(6) Utilities (gas, electric)		\$
(7) Phone		\$
(8) Cable / satellite television / internet		\$
(9) Car insurance payment		\$
(10) Health insurance payment		\$
(11) Credit card payments		\$
(12) Car loan payments		\$
(13) Other loan payments		\$
(14) Other expense Identify:		\$
(15) Other expense Identify:		\$
(16) Other expense Identify:		\$
(17) Totals from attached sheets, if any Check this box if you have attached a sheet	•	\$
with additional information on your expenses.		950
Total expenses		\$

7. My debts Debts may include things such as past due balances on utilities, money owed to a landlord for damages after moving, credit card debt, and loans from friends, family, or banks.

*How often paid?: W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month A = Annually

Payable to	Item or service	Amount	How often paid?* W,B,M,T,A	Balance Due
A.				\$
B.				\$
C.				\$
D.				\$
E. Totals from attached sheets, if any				\$

Check this box if you have attached a sheet with additional information on other debts, and enter the total.		
Total other debts Including amounts shown on attached sheet, if any.		\$

8. Current spouse's income

- List your current spouse's information.
- This information will not be used to determine child support obligations.

*How often is income received?

 $W = Weekly \ B = Bi$ -weekly (every other week) $M = Monthly \ T = Two times a month$

A. Current income from employment	Gross I	ncome	Net In	come
and other sources Sources of income, not required to list name of employer	How often?* W,B,M,T	Gross amount Before taxes	How often?* W,B,M,T	Net Amount After taxes
(1) Wages from employer Job: Title:		\$		\$
(2) Wages from employer Job: Title:		\$		\$
(3) Other income Describe source:		\$		\$
(4) Other income Describe source:		\$		\$
Total gross and net income from employment and other sources		\$ Gross income total		\$ Net income total

9. Attorney Help

Check o	one			
A. 🗌	An attorney did not help me prepare or	fill in this paper.		
В. 🗌	An attorney helped me prepare or fill in	this paper.		
	If you check B, you must fill in the following inj	formation:		
	Name of attorney or organization, if any	Attorney's P.I.N. $\# - A$	lsk the attori	ney
				_
	Business address of attorney or organization	City	State	ZIP code
	()	- M		
	Attorney's phone number Attorney's fax	number – optional At	torney's ema	iil address – optiona

10. Certification of Service by Mailing or Delivery

l,			, certify that on		, 20
Print your name			Month	Day	y Year
	200		port Modification Finar her party's attorney at		50.00
Name of person to wh	om I delivere	d or mailed it			
Party's or attorney's	mailing addre	?SS	City	State	ZIP code
Oath and Signa					
Oath and Signa I,			, certify under penalty o		
Oath and Signa I, Print your name laws of the State o	f lowa that I	have read th	, certify under penalty on his Child Support Modit this Statement is true a	fication Financi	
Oath and Signa I, Print your name laws of the State o	f lowa that I	have read th	his Child Support Modif	fication Financi	
Oath and Signa I, Print your name laws of the State o	f lowa that I	have read the provided in	his Child Support Modif	fication Financi	

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.300—Form 325: Affidavit of Mailing Notice

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	nty where the Application is filed
Upon the Petition of	Equity case no.
Petitioner Full name of Petitioner as it is in the original case	Affidavit of Mailing Notice
and concerning	
Respondent Full name of Respondent as it is on the Application	
1. Attorney Help Check one A. An attorney did not help me prepare of B. An attorney helped me prepare or fill in If you check B, you must fill in the following in Name of attorney or organization, if any Business address of attorney or organization (n this paper.

Important Notice

A party **must** file this Affidavit with the clerk of court if he or she asks the court for a default Decree for modification of child support. The party **must** also complete the oath and signature section on the next page.

Oath and Signature on next page

Rule 17.300—Form 325: Affidavit of Mailing Notice, continued

1,	Ţ.	certify under pena	alty of perjury and p	oursuant to the
Print your name				
laws of the State of lower	a that on the ${Day}$, 20, I se	nt by ordinary
mail with proper postage	e, the following pa	aper or papers:		
Check one				
Notice of Intent to F support, or	ile a Written Applic	eation for Default De	ecree for modificatior	n of child
Other document (de	escribe):			
to the other party's last-l	known address be	elow.		
Other party's street address		City	State	ZIP code
Other party's street address Signed on: Month Do	, 20, Year	City Applicant's signate	10000007	ZIP code
	,		10000007	ZIP code

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.300—Form 326: Notice of Intent to File Written Application for Default Decree

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Co	urt for		County
		County where your case is filed	=================================
Upon the Petition of		Equity case no.	
Petitioner Full name of Petitioner as it is in the or	riginal case	Notice of Intent Application for I	
and concerning			
Respondent Full name of Respondent as it is in the	Application		
To party receiving this	Notice:		
First name	Middle name	Last name	
Date of Notice:		20	
Month	Day,	20	
Handwritten signature of party or attorney if filing in paper The person who provided the signature.		/s/	
Present street address (If a	attorney, firm address)	City	State ZIP code
()_ Phone number	Email ada	łress	- e
Instructions for party filing	g this Notice		
Filing your Notice	electronically		
EDMS will automaticate filing requirements.	ally serve the party receivi	ng this Notice unless that party	is exempt from electronic
Filing your Notice	in paper (if you have rec	eived permission from the court	to file in paper)
Complete form 325	and file the original at the this form (326) at the cler		erson.
February 2014	Rule 17.	300—Form 326	Page 1 of 1

Use this form only if	you have filed of	r answered an Application	to Modify Child St	apport (301) and:
-----------------------	-------------------	---------------------------	--------------------	-------------------

- The other party did not file an Answer (315), or
- The other party will not work with you to prepare a Settlement Agreement (328).

Caution: This form may require you to provide protected or sensitive information.

- [If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (311) if you have not already done so.
- [in the second of the second o

If you do not understand how to use this form, or if you should use this form, talk to an attorney

n the lowa District Court for	County
	County where Application is filed
Upon the Petition of	Equity case no
Petitioner Full name of Petitioner as it is in the Application and concerning	Request for Relief in a Child Support Modification
Respondent Full name of Respondent as it is in the Application	
	rmation that you know. If you have been assaulted by your spouse our street address, phone number, and email blank.
A. I am Check each that applies (1) □ Petitioner (2) □ Respondent (3) □ Applicant B. Your information:	
Check each that applies (1) Petitioner (2) Respondent (3) Applicant B. Your information: Birth year	City State ZIP code (
Check each that applies (1) Petitioner (2) Respondent (3) Applicant B. Your information: Birth year Your present street address County C. Other parent's information:	()

D.	Other p	person (non-parent) who re-	ceives child suppo	ort: Birth year	
	\overline{Full} n	name: first, middle, last	_		
	Prese	nt street address	City	State	ZIP code
	Coun	ty	() . Phone numbe	r Email	address
Re	equest	for Relief			
A.	Child s	upport ach that is true, and fill in the	e blanks for the iten	ns you check.	
	(1)	Child support should be ra	ised from \$	per month to	\$
		per month, beginning		Day , $20 {Year}$ f	or:
		First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
		a.		d.	
		b.		e.	
		c.		f.	
		Check this box if you ha	we attached a separ	rate sheet listing additional o	children.
	(2)	Child support should be lo	wered from \$	per month to	\$
		per month beginning		Day , $20 \frac{1}{Year}$	or:
		First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
		a.		d.	
		b.		e.	
		c.		f.	
		Check this box if you ha	we attached a separ	rate sheet listing additional o	children.
	(3)	Check here if you want chi amount. If you check this, w			l Support Guidelin
		a. Amount requested: \$	per mo	onth	

		b. Child support shoul	d be different than t	ne Guidelines amount becau	use:
	8				
	24				
(4)		Child support should be second by the second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should be second support should support should be second support should s		on the	
	i	Day Month	Yea	r	_
		First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
		a.		d.	
		b.		e.	
		c.		f.	
		There is a court order a		eductions. ductions.	
	If yo a.	u check (2), check a or b: A court order currer should stay the sam A court order currer	t this time on tax de ntly says who gets the. ntly says who gets the		
	If yo a.	u check (2), check a or b: A court order currer should stay the sam A court order currer	t this time on tax de ntly says who gets the. ntly says who gets the	ductions. ne tax deduction for the child ne tax deduction for the child	
	If yo a.	u check (2), check a or b: A court order currer should stay the sam A court order currer	t this time on tax de ntly says who gets the ne. ntly says who gets the as set forth in the ta	ductions. ne tax deduction for the child ne tax deduction for the child	d or children an
	If yo a.	u check (2), check a or b: A court order currer should stay the san A court order currer should be changed First, middle, & las	t this time on tax de ntly says who gets the ne. ntly says who gets the as set forth in the ta	ductions. The tax deduction for the child the tax deduction for the child the below. Explain Person who should now	d or children ar
	If yo a.	nu check (2), check a or b: A court order currer should stay the san A court order currer should be changed First, middle, & las initials of each chil	t this time on tax de ntly says who gets the ne. ntly says who gets the as set forth in the ta	ductions. The tax deduction for the child the tax deduction for the child the below. Explain Person who should now	d or children ar
	If yo a.	u check (2), check a or b: A court order currer should stay the sam A court order currer should be changed First, middle, & las initials of each chill i.	t this time on tax de ntly says who gets the ne. ntly says who gets the as set forth in the ta	ductions. The tax deduction for the child the tax deduction for the child the below. Explain Person who should now	d or children ar
	If yo a.	u check (2), check a or b: A court order currer should stay the sam A court order currer should be changed First, middle, & las initials of each chill i. ii.	t this time on tax de ntly says who gets the ne. ntly says who gets the as set forth in the ta	ductions. The tax deduction for the child the tax deduction for the child the below. Explain Person who should now	d or children an

C. Health insurance or cash medical support

	Check (1) <i>oi</i>	r(2)			
	(1) 🗆			is no court order at this al support.	s time on who pay	ys health insurance or cash
	(2) 🗆		ere i ppor		time on who pays	s health insurance or cash medical
	If y	ou c	heck	(2), check a or b		
		a.		A court order currently schildren and it should st		nealth care expenses for the child or
		b.		A court order currently s be changed as set forth		nealth care expenses and it should Explain
				*		
				First, middle, & last initials of each child	Birth year	Parent who should now provide health insurance or cash medical support
				Ĺ.		
				ii.		
				iii.		
				iv.		
				v.		
				Check this box if you	are attaching a sepa	rate sheet listing additional children.
	(3) Ish	noul	d pay	/ %	of the out-of-pocket	: health care expenses.
		e oth		arent should pay %	c	f the out-of-pocket health care
	(5) Ish	oul	d pay	/ % i	n cash medical sup	pport.
	(6) The	e oth	ner p	arent should pay %	i	n cash medical support.
D.	Court F		S			
	(1)	All	cour	t fees should be paid by	me.	
	(2)	All	cour	t fees should be paid by	the other parent.	
	(3)	Th	e oth	er parent and I should pa	ay one-half of the r	emaining court fees.
	(4)	Th	e oth	er parent and I should p	ay one-half of the t	otal court fees.

	E. Attorney's Fees Check one	
	(1) My attorney's fees	
	a. \[\] I have no attorney's fees.	
	The state of the s	
	b. I will pay my own attorney's fees.	For my codd and the form
	c.	Tor my altorney's rees.
3.	Necessary Documents	
	I ask that the court require each of us to sign and d	
	be needed to carry out the terms of the Decree Mo	difying Child Support.
4	Other Request for Relief Attach additional sheets i	f necessary
	other request for rener much additional sheets g	necessary
	Ÿ.	
5.	Statements of Understanding and Fact	
5.	Statements of Understanding and Fact Check each that applies	
5.	/-	e court.
5.	Check each that applies a. I have made a full disclosure of my income to the	
5.	Check each that applies a. I have made a full disclosure of my income to the	ne Application to Modify Child Support.
5.	Check each that applies a. I have made a full disclosure of my income to th b. This Request for Relief addresses all issues in t	ne Application to Modify Child Support.

Continued on next page

6.	Attorney Help							
	Check one							
	(1) An attorney did not help me prepare or fill in this paper.							
	(2) An attorney hel	ped me pre	pare or fill i	n this paper.				
	If you check (2), you m	ust fill in the j	following info	mation:				
	Name of attorney of	or organizatio	n, if any	Attorney's P.I.N.	# – Ask the attori	ney		
	Business address of	of attorney or	organization	City	State	ZIP code		
	()		()	x number – optional	_			
	Attorney's phone r	number	Attorney's fo	x number – optional	Attorney's ema	iil address – optiona		
_								
7.	Certification of Serv Section 7 to be completed of				nartu is avannt fr	om alactronic		
	filing.		770 15t 975 175	ā		om electronic		
	This document, if filed elect	95000		1,50	(72)			
	I,		, cer	tify that on		, 20		
	The state of the s							
	I mailed or gave a copy			olicant or the oth	er paπy or Appi	licant's or the		
	other party's attorney a	it the addre	ss below.					
	Name of person to whom I	1.1:1	:11 :4					
	Name of person to whom I	aetiverea or n	ianea n					
	Party's or attorney's mailir	ng address	City	v.	State	ZIP code		
8.	Oath and Signature		***					
٠.			hav	o road this Pogu	last and Loartif	v under nenelts		
	I,, have read this Request, and I certify under penalty							
	of perjury and pursuant to the laws of the State of Iowa that the information I have provided							
	in this Request is true	and correct	•					
		, 20_						
	Signed on: Month	Day	Year You	ır signature*				
	Mailing address			y .	State	ZIP code		
	()							
	Phone number	Email d	address	Ad	ditional email addi	ress – if available		
	* Whether filing electronicall			rite your signature on	this form. If you are	filing electronically,		
	scan the form after signing	it and then file	electronically					

Rule 17.300—Form 328: Settlement Agreement on an Application to Modify Child Support

Use this form only if:

- You and the other party both agree to the terms of a Settlement Agreement.
- There is a current Iowa child support order in effect.
- · You would like to increase, decrease, or stop child support
- There is on file an Application to Modify Child Support.

Caution: This form may require you to provide protected or sensitive information.

- 🖳 If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (311) if you have not already done so.
- [a] If filing in paper, you may use form 311 to provide any protected information in full.

the	Iowa District Court for	County where Applica	tion was filed	Count
Jpo	n the Petition of	Equity case	no	
ull na	ioner ne of Petitioner as it is in the Application concerning		nent Agreeme ation to Modit Support	
	pondent ne of Respondent as it is in the Application			
ut na	не ој кезропасні из и із ін те Аррисанон			
Ap spc	pplicant's Information Fill in all in use and you fear for your safety, you may Applicant's information:			
Ap	pplicant's Information Fill in all in use and you fear for your safety, you may Applicant's information:	leave your street address,		
A p	oplicant's Information Fill in all suse and you fear for your safety, you may Applicant's information:	leave your street address, th year	phone number, and	l email blank. ZIP code
Ap spc	oplicant's Information Fill in all in use and you fear for your safety, you may Applicant's information: Applicant's present street address	th year City	phone number, and State	l email blank. ZIP code
Ap spo	Applicant's present street address County	th year City Phone number	phone number, and State	l email blank. ZIP code

Rule 17.300—Form 328: Settlement Agreement on an Application to Modify Child Support, continued

	Full n	name: first, middle, last			
	\overline{Prese}	nt street address	City	State	ZIP code
	Coun	tv	() . Phone numbe	r Email	address
Δο	greeme				
	Child s	upport	1000 to 100 to 100		
	Check e	ach that is true, and fill in th			
	(1)	Child support should be ra	aised from \$	per month to s	
		per month beginning	ıth	Day , $20 {Year}$ for	or:
		First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
		a.		d.	
		b.		e.	
		C.		f.	
		Check this box if you h	ave attached a separ	rate sheet listing additional c	hildren.
	(2)	Child support should be Id	wered from \$	per month to 9	S
		per month beginning		, 20 fo	or:
		Мон	nth	Day Year	· ·
		First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
		a.		d.	
		b.		e.	
				f.	
		C.			
			ave attached a sena	rate sheet listing additional c	hildren

Rule 17.300—Fo	orm 328: <i>Se</i>	ettlement Agreement on an App	olication to Modify Child :	Support, continued	
(4)	☐ Chil	d support should be st o	opped beginning or	n the	
	-	day of	, 20	for:	
	Day	Month	Year	*	
		st, middle, & last tials of each child	Birth year	First, middle, & last initials of each child	Birth year
	а.			d.	
	b.			e.	
	c.			f.	
		Check this box if you ha	ve attached a separa	nte sheet listing additional chi	ldren.
(1) (2)	 ☐ The If you ch a. ☐	re is no court order at the is a court order at the eck (2), check a or b: A court order currently should stay the same.	nis time on tax ded / says who gets the / says who gets the	luctions. e tax deduction for the child e tax deduction for the child	
		First, middle, & last initials of each child	Birth year	Person who should now tax deduction.	claim child for
		i.			
		ii.			
		iiles			
		iv.			
		v.			
		☐ Check this box if yo	u have attached a se	parate sheet listing additiona	l children.
Chec (1) (2)	ck(1) or The sup The	re is no court order at port.	this time on who p	ays health insurance or cas	

Rule 17.3	00—Form 328: <i>Setti</i>	lement Agreement on an Application	to Modify Child Support,	continued
	а. 🗆	A court order currently s children and it should st		nealth care expenses for the child or
	b. [A court order currently s be changed as set forth		nealth care expenses and it should . Explain
		0		
		First, middle, & last initials of each child	Birth year	Person who should now provide health insurance or cash medical support
		J.		
		ii.		
		iii.		
		iv.		
		v.		
		Check this box if you	are attaching a separ	rate sheet listing additional children.
	(3) Applicant	should pay %	of the	out-of-pocket health care expenses.
	(4) The other expenses			of the out-of-pocket health care
	(5) Applicant	should pay %	in cas	sh medical support.
	(6) The other	parent should pay %	in cash me	edical support.
D.	Court Fees			
	Check one		w w x	
	200 M 10-01	urt fees should be paid by		
		urt fees should be paid by	22/4	
	300 (8 20-00)		• ••	f of the remaining court fees.
	(4) The c	ther parent and Applicant	should pay one-hal	f of the total court fees.

Continued on next page

Page 5 of 6

Rule 17.300—Form 328: Settlement Agreement on an Application to Modify Child Support, continued

	E.	Attorney's Fees Check one
		(1) Applicant's attorney's fees
		a. Applicant has no attorney's fees.
		b. Applicant will pay Applicant's own attorney's fees.
		c. Applicant asks that the other party pay \$ for Applicant's attorney's fees.
		(2) The other party's attorney's fees
		a. The other party has no attorney's fees.
		b. The other party will pay his or her own attorney's fees.
		c. The other party asks that Applicant pay \$ for the other party's attorney's fees.
2	K.	
3.		ecessary Documents 'e ask that the court require each of us to sign and deliver to each other any papers that
		ay be needed to carry out the terms of the Decree Modifying Child Support.
		.,
4.	Ot	her Agreements Attach additional sheets if necessary
	ç	
_		La mana and Maria
Э.		torney Help
	Α.	Applicant Check one
		(1) An attorney did not help the Applicant prepare or fill in this paper.
		(2) An attorney helped the Applicant prepare or fill in this paper. If you check B, you must fill in the following information:
		if you check D, you must ful in the following information.
		Name of attorney or organization, if any Attorney's P.I.N. # – Ask the attorney
		name of attorney or organization, if any
		Business address of attorney or organization City State ZIP code
		(
	В	The other party
		Check one
		(1) An attorney did not help the other party prepare or fill in this paper.
		(2) An attorney helped the other party prepare or fill in this paper.
		12) All attorney helped the other party prepare of fill lift this paper.

Rule 17.300-Form 328: Settlement Agreement on an Application to Modify Child Support, continued If you check (2), you must fill in the following information: Name of attorney or organization, if any Attorney's P.I.N. # – Ask the attorney Business address of attorney or organization City State ZIP code Attorney's email address - optional 6. Oaths and Signatures This Settlement Agreement addresses all issues in our modification of child support. We have made a full disclosure of our income to the court. We want the court to approve this Agreement and make it a part of the final Decree Modifying Child Support. A. Applicant's Oath and Signature _____, certify under penalty of perjury and pursuant to the Print your name laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in this child support modification. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court. Applicant's signature* Month ZIP code Mailing address City State Email address Additional email address - if available * Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically. B. The other party's Oath and Signature , certify under penalty of perjury and pursuant to the Print your name laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in this child support modification. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court. Other party's signature* Month City ZIP code Mailing address State Phone number Email address Additional email address - if available

electronically, scan the form after signing it and then file electronically.

February 2014 Rule 17.300—Form 328 Page 6 of 6

* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing

[Court Order June 17, 2008; March 6, 2014]

Forms 329 to 400: Reserved

Rule 17.400 Child custody and visitation forms for unmarried parents. The following forms are for determining child custody and visitation terms for unmarried parents of children under the age of 18 who are children of both parties, or children under age 18 whom the parties have adopted, or children 18 years of age or older who are children of both parties and are dependent or still need support. Parties also must use these forms if a party is pregnant with the other party's child. Parties cannot use these forms if the parties were ever married to each other.

Form 401: Petition for Custody and Visitation (Parents not Married)

Form 402: Petition Cover Sheet for Custody and Visitation

Form 403: Confidential Information Form

Form 404: Original Notice for Personal Service
Form 404a: Original Notice for Personal Service

Form 405: Acceptance of Service

Form 406: Directions for Service of Original Notice
Form 407: Motion and Affidavit to Serve by Publication

Form 408: Original Notice by Publication
Form 408a: Proof of Service by Publication

Form 409: Application and Affidavit to Defer Payment of Costs

Form 410: Affidavit of Service of Original Notice and Petition for Custody and

Visitation

Form 411: Protected Information Disclosure

Form 412: Joint Statement to Disestablish Legal Parent

Form 413: Motion to Disestablish Legal Parent

Form 414: Reserved

Form 415: Answer to Petition for Custody and Visitation

Form 416: General Answer to a Petition for Custody and Visitation

Forms 417 to 420: Reserved

Form 421: Affidavit for Temporary Custody and Visitation

Form 422: Motion in a Custody and Visitation Case

Form 423: Response to a Motion in a Custody and Visitation Case

Form 424: Custody and Visitation Financial Statement

Form 425: Affidavit of Mailing Notice

Form 426: Notice of Intent to File Written Application for Default Decree Form 427: Request for Relief in a Dissolution of Marriage with Children

Form 428: Settlement Agreement for Custody and Visitation

Form 429: Agreed Parenting Plan
Form 430: Proposed Parenting Plan

Forms 431 to 500: Reserved

[Court Order July 19, 2019, effective September 1, 2019]

Rule 17.400—Form 401: Petition for Custody and Visitation (Parents not Married)

Read the *Guide to Representing Yourself in an Iowa Custody and Visitation Case (Parents not Married)* on the Iowa Judicial Branch website before using this form.

Petitioner: Use this form only if one or more of the following are true:

- There are children under age 18 who are children of both Petitioner and Respondent.
- There are children under age 18 who were adopted by both Petitioner and Respondent.
- . A parent is pregnant with the other parent's child.
- The parties have never been married to each other.
- If filing electronically, you must provide any protected information in full on form 411.
- If filing in paper, you may use form 411 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the Iowa Distric		ty where you are filing this Pe	Count	У
Upon 1	the Petition of		For clerk's use only		
Petitioner Full name: first, middle, last The parent who files the Petition		Petition for C (Paren	ustody and ts not Marr		
and cor	ncerning				
Respoi		, last			
		ACCOUNT OF VEN	ur street address, phone m	ımber, and em	ail blank.
	Petitioner's (your) birth Petitioner's present street as	year and present	000 0 .	imber, and em	ZIP code
	Petitioner's (your) birth Petitioner's present street a	year and present	residence:		
A.	Petitioner's (your) birth Petitioner's present street a	year and present ddress hone number	residence: Birth year City Email address	State	ZIP code
A.	Petitioner's (your) birth Petitioner's present street at County Present	year and present ddress hone number r parent's) birth y	residence: Birth year City Email address	State State	ZIP code

If you need assistance to participate in court due to a disability, call the disability coordinator (information at http://www.iowacourts.gov). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

 $Rule\ 17.400-Form\ 401: \textit{Petition for Custody and Visitation (Parents not Married)}, continued$

	Full name: first, middle, la	st								
	Petitioner's present street	address	City	,	500	State ZII	o code			
	(
	County F	hone number	E	mail addres	S					
Ge	eneral Information about the Parties and the Children									
A.	Children									
	Check all that are true									
	 A.	n under age 18 w	ho are the	biological c	hildren of	both Petitic	ner and			
	B. There are childre by the other part	n under age 18 w y.	ho are the	biological c	hildren of	one party a	and adopte			
	C. There are childre	n under age 18 w	ho were ad	opted by b	oth parties	e.				
	D. Detitioner or Res	pondent is pregna	ant.							
R	Identification of childre	n								
٥.	Tachtinoation or office									
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)			
	First, middle, & last initi	als								
	Birth year									
	Dirtii year									
C.	Check this box if you h Legal parents For each child of the partie testing or paternity affidavi	s, state if legal pare	nts have bee	en establishe	d and how.	If establish	ned by gene			
C.	☐ Check this box if you h Legal parents For each child of the partie	s, state if legal pare	nts have bee	en establishe	d and how.	If establish	ned by gene			
C.	☐ Check this box if you h Legal parents For each child of the partie	s, state if legal pare t, check the box ma	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 1 4 below.	R 1001			
C.	☐ Check this box if you h Legal parents For each child of the partie testing or paternity affidavi	s, state if legal pare t, check the box ma	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 1 4 below.	52 1001			
C.	Check this box if you h Legal parents For each child of the partie testing or paternity affidavi Legal parents established	s, state if legal pare t, check the box ma Child (1)	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 14 below. Child (5)	52 1001			
C.	Check this box if you h Legal parents For each child of the partie testing or paternity affidavi Legal parents established	s, state if legal pare t, check the box ma Child (1)	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 14 below. Child (5)	52 1001			
C.	Check this box if you h Legal parents For each child of the partie testing or paternity affidavi Legal parents established Yes No	s, state if legal pare, t, check the box ma Child (1)	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 14 below. Child (5)	Child (6)			
C.	Check this box if you had been been box if you had been been been been been been been box if you had been been been been been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had box if you had been box if you had been box if you had been box if you had been box if you had been box if you had been box if you had box if you had been box if you	s, state if legal pare, t, check the box ma Child (1)	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 14 below. Child (5)	Child (6)			
C.	Check this box if you had been been been been been been been bee	s, state if legal pare, t, check the box ma Child (1) ed?	nts have bee ked "Other	en establishe " and explai	d and how. n on section	If establish 14 below. Child (5)	Child (6)			

Rule 17.400-Form 401: Petition for Custody and Visitation (Parents not Married), continued

D. Children's living arrangements

Places where the children have lived during the last five years and the parent(s) or adult(s) who acted as parent(s): Fill in as much information as you know.

		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(1)	Children's initials						
	Lived with	,	Adult Name	Cit		ity	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		
	(%	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(2)	Children's initials	()	(-)				
	Lived with	-	Adult Name		Cio		State
	Dates From mm/dd/yyy		n/dd/yyyy	To mm/dd/yyyy			
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(3)	Children's initials						
	Lived with	-	Adult Name	Cı		ty	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		
	Y	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(4)	Children's initials		, ,		, ,		
	Lived with	th Adult Name From mm/dd/yyyy			Ci	ty	State
	Dates			To mm/dd/yyyy			
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(5)	Children's initials		•		, , ,	, ,	-
	Lived with		Adult Name		Ci	ity	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		

☐ Check this box if you have attached a separate sheet listing additional children or addresses.

Note: If the children have been in Iowa for less than six months, an Iowa court may not be able to issue an order about custody or visitation. The rules are complicated and you may need to talk to an attorney.

Rule 17.400—Form 401: Petition for Custody and Visitation (Parents not Married), continued

	E.				ent's status that is true	
		(1)		If yo	spondent (the other parent) is in the military service. ou check (1), there are special rules that may prevent your case from going forward to the military. You should talk to an attorney.	ard if the
		(2)		Res	pondent is in prison or jail at	in <i>State</i>
	F.		tec ck o		or no contact order	
		(1)			ere is neither a "protective order" nor a "no contact order" between Petition d Respondent (the other parent).	ner (you)
		(2)			re is a "protective order" or a "no contact order" between Petitioner and R ou check (2), fill in the following information:	espondent.
				a.	County and state where the order came from:	
					County	State
					Court case number:	
3.		the ck A			s about the Children	
	A.		Th	ere	are no other cases about the children. If you check A, skip to 4.	
	B.		Th	ere :	are other cases about the children.	
		abl	e to	issue	re is a court order from out of state about the children, an Iowa court may n an order about custody or visitation. The rules are complicated and you matterney.	
		If y	ои сі	heck	B, fill in the applicable information below.	
		A.	Ju	enile	e court	
			Che	eck a	or b	
			a.		There is no juvenile court case.	
			b.		There is a juvenile court case.	
					ou check b, fill in the following information:	
				i.	County and state of the juvenile court case: County	State
				ii.	Juvenile court case number:	
					Check one	
					(a) Concurrent jurisdiction has been granted.	
					(b) Concurrent jurisdiction has not been granted.	
					If the juvenile court has not given concurrent jurisdiction (permission), there custody cannot be decided in this case. You should talk to an attorney.	child

Rule~17.400 — Form~401: Petition for Custody and Visitation (Parents not Married), continued

В.	You	ı mi	y order ght not be able to get custody in Iowa if there is a custody order entered in another st	tate.
	Che	еск а	orb	
	a.		There is no custody order.	
	b.	_	There is a custody order.	
		If y	ou check b, fill in the following information:	
		i.	County and state where the custody order came from:	-
		ii.	Court case number:	State
C.	Chi	ld s	upport order	
			orb	
	a.		There is no child support order.	
	b.		There is a child support order.	
		If y	ou check b, fill in the following information:	
		i.	County and state where the child support order came from:	
			County	State
		ii.	Court case number:	
		iii.	List the children the support case covers (initials only):	
-				
Datiti	one	r'e	Request	
			•	
	all th		s the court to:	
۸		0.77	oply. The court will only consider items that are checked. If you do not know what y	ou want, tal
Α.		ey.	oply. The court will only consider items that are checked. If you do not know what y	ou want, tai
B.		ey. De		ou want, tal
		ey. De Est	oply. The court will only consider items that are checked. If you do not know what you cide custody and visitation.	ou want, tal
B.		De Est Ord	oply. The court will only consider items that are checked. If you do not know what you cide custody and visitation. Eablish legal parent.	ou want, tal
В. С.		De Est Ord	oply. The court will only consider items that are checked. If you do not know what you cide custody and visitation. Eablish legal parent. Ider child support and medical support.	ou want, tal
B. C. D.		De Est Ord Ord	oply. The court will only consider items that are checked. If you do not know what you do not know what you do not who what you do not know you do not know you do not	ou want, tai
B. C. D. E.		De Est Ord Ord	cide custody and visitation. tablish legal parent. der child support and medical support. der that Respondent pay for Petitioner's attorney's fees	ou want, tai
B. C. D. E.		De Est Ord Ord	cide custody and visitation. tablish legal parent. der child support and medical support. der that Respondent pay for Petitioner's attorney's fees	ou want, tal
B. C. D. E.		De Est Ord Ord	cide custody and visitation. tablish legal parent. der child support and medical support. der that Respondent pay for Petitioner's attorney's fees	ou want, tal

Rule 17.400—Form 401: Petition for Custody and Visitation (Parents not Married), continued

6.	Check one									
	A. An attorney did not help me prepare or fill in this paper.									
	B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information:									
	Name of attorney or organization, if any Attorney's PIN – Ask the attorney									
	Business address of attorney or organization City State ZIP code									
	Attorney's phone number Attorney's fax number – optional Attorney's email address – optional									
7.	Service Instructions If Petitioner is filing in paper, Check one									
	A. Petitioner will accept service of documents at the attorney's address listed above; or									
	B. Petitioner will accept service of documents in this case at the mailing address below.									
8.	Oath and Signature									
	I, have read this Petition, and I certify under penalty									
	of perjury and pursuant to the laws of the State of Iowa that the information I have									
	provided in this Petition is true and correct.									
	Signed on:									
	Month Day Year Your signature*									
	Mailing address City State ZIP code									
	Phone number Email address Additional email address - if available									
*	Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.									

Important Notice to Petitioner

See next page for instructions for filing a Petition.

Instructions for Rule 17.400—Form 401: Petition for Custody and Visitation (Parents not Married)

Do not file these instructions

Instructions for Filing a Petition for Custody and Visitation

The Iowa Judicial Branch uses an electronic filing court system, known as the eFile System. You must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

□ Filing your Petition electronically

- You must register to file electronically. For help, see the <u>eFile User Guide</u> and the instructions on the <u>eFile Instructions page</u> on the Iowa Judicial Branch website.
- After you have registered, log in to the eFile system to file electronically your custody case.
- With your Petition, you must also file an Original Notice (404) and a Protected Information Disclosure Form (411).
- You will receive a Notice of Electronic Filing when the clerk of court has approved the filing of your Petition and other documents.
- If there was a problem with your filing, you will receive a Notification of Electronic Filing in your eFile account. Log into My Filings, correct the error, and resubmit your filing. For help, see Resubmitting a Returned Filing.
- Log in to your eFile account and download and print your Petition and Original Notice so that you
 can serve it on (deliver it to) the other parent.
- For help finding and downloading your Petition and Original Notice, see <u>Managing your filings</u>.

Filing your Petition in paper

- To request permission from the court to file in paper, you must file a Motion for Exemption From Registration and E-filing [Rule 16.302(2)] along with your Petition (401), a Petition Cover Sheet (402), an Original Notice (404a), and a Confidential Information Form (403).
- Forms 401 and 404a: Make two photocopies if you can deliver copies of these forms to the other
 parent in person or by mail. Make three photocopies if you are going to ask the county sheriff or a
 civil process server to deliver these forms to the other parent.

Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.

- Forms 402, 403, and Motion for Exemption: You do not have to make photocopies of these forms.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county.
 Tell the clerk at the counter you are filing a Petition for a custody case.

Instructions for Rule 17.400-Form 401: Petition for Custody and Visitation (Parents not Married), continued

- · Give the clerk at the counter these forms:
 - 401 Petition for Custody
 - 402 Coversheet for a Petition for Custody
 - 403 Confidential Information Form (Do not make copies of this form.)
 - 404a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 409.
- The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these
 fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (404a). You will have to serve this form on (deliver it to) the other parent.
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions

Rule 17.400—Form 402: Petition Cover Sheet for Custody and Visitation

or court use only	County where	case is filed
etitioner		
Petitioner's first name	Middle name	Last name
Street address	City	State ZIP code
()_ Phone number	Email address	
ase name		
Petitioner's first name	Middle name	Last name
VS.		

Nature of the Case: EQUITY— Domestic Relations
Custody and Visitation

Note to Petitioner

- Petitioner must complete this cover sheet if filing in paper and give it to the clerk of court when filing a Petition for Custody and Visitation (401).
- Do not serve this cover sheet on Respondent.
- · This cover sheet is for statistical purposes only. It has no legal effect in the case.
- Electronic filers: Do not use this form. The information on this form is automatically generated when you submit your documents electronically.

Rule 17.400—Form 403: Confidential Information Form

This form is to be used by paper filers only.

Each party must complete one of these forms if filing in paper.

lowa Code section 602.6111 requires the parties to a case to provide the clerk of court with certain personal identification information. The clerk of court will keep each party's completed form confidential.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the Iowa District Court for	County where your case	
Jpon the	Petition of	Equity case no.	ntial Information Form
Petitione The parent who	F Full name: first, middle, last files the Petition	_ Conniden	itiai iiiioiiiiatioii Foiiii
ind conce	rning		
Respond The other paren	ent Full name: first, middle, last	-	
. Petitio	oner's Information	•	
		1 1	
	ne: first, middle, last ondent's Information	Birth date	Social Security number
. Respo	1. Control (1. Con	Birth date / / Birth date	
Respo	ondent's Information		
Full na	ondent's Information me: first, middle, last		
Full na	me: first, middle, last ren's Information Full name	Birth date	Social Security number
Full na. Child	me: first, middle, last ren's Information Full name	Birth date	Social Security number
Full na. Childi Child (1)	me: first, middle, last ren's Information Full name	Birth date	Social Security number
Full na. Childi Child (1) (2)	me: first, middle, last ren's Information Full name	Birth date	Social Security number
Full na. Child (1) (2) (3)	me: first, middle, last ren's Information Full name	Birth date	Social Security number

Continued on next page

Rule 17.400—Form 403: Confidential Information Form, continued

Information provided by:	Print your full name: first, middle	le, last	
Your signature	Month		

Rule 17.400—Form 404: Original Notice for Personal Service

Petitioner must serve the Petition on Respondent within 90 days after filing the Petition.

Failure to meet this deadline may result in the court dismissing the custody and visitation case.

Read the <u>Guide to Representing Yourself in an Iowa Custody and Visitation Case (Parents not Married)</u> on the Iowa Judicial Branch website for additional important instructions. Iowa custody and visitation forms are available free of charge on the Iowa Judicial Branch website.

- If filing electronically, Petitioner must complete this form.
- If filing in paper, Petitioner must use form 404a.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for $_{Cou}$	unty where the Petition is file	County	
Upon the Petition of	Equity case no		
Petitioner Full name: first, middle, last	Original Notice	e for Personal	Service
and concerning			
Respondent Full name: first, middle, last			
 To Respondent Named Above Petitioner (the other parent) has filed a custod A copy of the Petition for Custody and Visitati 	THE SAME STATE OF THE SAME STA	5 Prove	spondent.
Petitioner's contact information during the	custody and visitati	on case:	
Petitioner's name			
Mailing address	City	State	ZIP code
Phone number Email address			

Important instructions for Respondent on next page

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov). Persons who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

Rule 17.400—Form 404: Original Notice for Personal Service, continued

Instructions to Respondent

- A. You must file an Answer or a Motion with the clerk of court in the above county within 20 days after you receive this Original Notice. If you do not file an Answer or Motion within 20 days after receiving this Original Notice, the court may enter a judgment against you giving Petitioner what he or she asks for in the Petition.
- B. For help in your custody and visitation case, and for forms that you must use if you choose to represent yourself without an attorney, visit the Iowa Judicial Branch website at http://www.iowacourts.gov/ and click on "For the Public."
- C. If you received Petition form 401, you may use Answer form 415.
- D. You must register to eFile through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/Efile and obtain a log in and password for filing and viewing documents in your case and for receiving service and notices from the court.
 - For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16, Iowa Rules of Electronic Procedure, available on the Iowa Judicial Branch website.
 - For court rules on Personal Privacy Protection in court filings, refer to Division VI of the Iowa Court Rules Chapter 16.
 - If you are unable to proceed electronically, you must receive permission from the court to file documents in paper.
 Contact the clerk of court in the county where the petition was filed for more information on being excused from electronic filing.
- E. If you electronically file your Answer or Motion, it will be served automatically on Petitioner or on Petitioner's attorney(s). A Notice of Electronic Filing will tell you if the court has excused Petitioner from electronic filing. If the court has excused Petitioner from electronic filing, you must mail a copy of your Answer or Motion to Petitioner.

Important Notice to Respondent
You should talk to an attorney at once to protect your interests.

Rule 17.400—Form 404a: Original Notice for Personal Service

Petitioner: Use this form only if you are filing documents in paper.

Read the *Guide to Representing Yourself in an Iowa Custody and Visitation Case (Parents not Married)* for additional important instructions. Iowa custody forms are available free of charge on the Iowa Judicial Branch website.

- If filing electronically, Petitioner must use form 404.
- If filing in paper, Petitioner must use this form.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for	unty where the Petition is	filed County
Upon the Petition of	Equity case no.	
Petitioner Full name: first, middle, last and concerning	Original Notice	for Personal Service
Respondent Full name: first, middle, last		
 Petitioner (the other parent) has filed a custody A copy of the Petition for Custody and Visitation Petitioner asks the court to address custody and Petitioner's contact information during the custody 	on is attached to this No and visitation.	otice.
Mailing address	City	State ZIP code
Phone number Email address 2. Instructions to Respondent Named Ab You must file an Answer or a Motion with the clerk of this Original Notice. If you do not file an Answer of the court may enter a judgment against you giving If you received Petition form 401, you may use Anse After you file your Answer or Motion, you must sen	f court in the above county of Motion within 20 days after Petitioner what he or she as wer form 415.	er receiving this Original Notice, asked for in the Petition.
(SEAL)	c of Court	
Important Notice to Respondent You should talk to an attorney at once to protect your interests. City If you need assistance to participate in court due to a disability, call to Persons who are hearing or speech impaired may call Relay lowa Tiles.		County Courthouse, Iowa ZIP code

August 2019 Rule 17.400—Form 404a Page 1 of 1

[Court Order July 19, 2019, effective September 1, 2019]

Rule 17.400—Form 405: Acceptance of Service

Petitioner must complete this section:

In the Iowa District Court for County	where Petition is filed	ounty
Upon the Petition of	Equity case no	
Petitioner Full name: first, middle, last	Acceptance of Serv	vice
and concerning		
Respondent Full name: first, middle, last		
Petitioner must file this form with the clerk of court soon of	ifter Respondent signs it.	
Respondent must complete this section:		
Respondent's Acceptance of Service, Oa	th, and Signature	
If Respondent completes this Acceptance of Service, Responsioning it. Petitioner will file it with the clerk of court.	ondent must return this form to Petitioner	soon after
I,	am Respondent in this case. I rec	eived a copy
Print your name of the Original Notice and the Petition for this call certify under penalty of perjury and pursuant to information I have provided in this Acceptance of	the laws of the State of Iowa that	
Signed:, 20		
Month Day Year Re.	spondent's signature	
Respondent's mailing address	City State	ZIP code
Phone number Email address		

Important Notice to Respondent

By signing this form, you are not agreeing to what Petitioner wants. You are only agreeing that you received a copy of the Original Notice and Petition.

Rule 17.400—Form 406: Directions for Service of Original Notice

Petitioner: Complete this form if the sheriff or a process server will deliver the Petition and Original Notice to Respondent.

- Do not use this form if Respondent has already received the Petition and Original Notice and signed an Acceptance of Service (form 405).
- Do not file this form with the clerk of court in paper or electronically.
- Give this form to the sheriff or other process server with your Petition (form 401) and Original Notice (form 404 if electronically filing or form 404a if filing in paper).

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

d	nty wher	re Petition is filed E	quity case number		
		and Location of Sheriff on and fill in the blanks	r Other Process Serve	er	
	A. 🗆	Sheriff In county where Responde	nt will be served _County		
		Street address	City	State	ZIP code
	В. 🗌	Other process server			
		Name of other person serving the No	otice		
		Street address	City	State	ZIP code
	Perso	on to be Served			
	The other	er parent's name	Phone number	, ·	
	Address	where the other parent can be serve	cd City	State	ZIP code
	Perso	n Requesting Service			
	Your na	me	() Phone number		
	Your pre	esent mailing address	City	State	ZIP code
	Speci	al Instructions for Service	Provide information that will	l help the sheriff or	process serve

Rule 17.400—Form 406: Directions for Service of Original Notice, continued

5.	Costs of Service Check one					
	A. Petitioner will pay the costs of the Sheriff or other process server. If you cannot afford the costs, file form 409.					
	B. Costs for Sheriff deferred by court order:	Clerk of court: Sign only if costs deferred by court order				
6.	Notification After completion of service, the sheriff or other proceed requesting service.	cess server will notify the person				
	Date Signed: Month Day Year	Your signature				

Rule 17.400—Form 407: Motion and Affidavit to Serve by Publication

Petitioner: Use this form only if you do not know where the other parent lives or works.

- You must contact a newspaper that is generally distributed or circulated throughout the county where you filed the Petition.
- Ask if the newspaper will publish your Original Notice by Publication (form 408) in your custody and visitation case.
- Tell the newspaper you need to publish the Notice once each week for three weeks in a row.
- If the newspaper can publish your Notice three weeks in a row, ask how much it will cost.
- Tell the newspaper you will call back to arrange for publishing your Notice after a judge gives you permission to publish your Notice in the newspaper.
- The fees for publication are set by statute in Iowa Code section 618.11.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	t for		unty
Upon the Petition of	Equity case no)	
Petitioner Full name: first, middle, last	Motion	and Affidavit Publication	
Full name of Petitioner as it is in the original case			
and concerning			
Respondent Full name: first, middle, last	_		
 Information and Requests A. Respondent's residence		ınknown.	
B. Respondent's last known residence			
	City	State	ZIP code
B. Respondent's last known residence	City () Phone number	Email ad	ldress

Rule 17.400—Form 407: Motion and Affidavit to Serve by Publication, continued

D.	Petitioner has taken these steps to find Respondent:
	
Ε.	Petitioner will publish notice in this newspaper: Name of newspaper

F. Petitioner asks the court to allow Petitioner to serve Respondent by publication because Respondent cannot be personally served.

Continued on next page

Rule 17.400—Form 407: Motion and Affidavit to Serve by Publication, continued

20 - 20 - 10 - 10 - 10 - 10 - 10 - 10 -	elped me prepare or fil you must fill in the followi	60 of		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,			
Name of attorney	or organization, if any		Attorney's PIN	– Ask attorn
Business address	of attorney or organizatio	n City	Stat	e ZIP cod
()	()			
Attorney's phone	no. Attorney's fax no.	- optional Attorney's	email address – opi	ional
		60 2 20 72 70 70 70 70 70 70 70 70 70 70 70 70 70	enconstantinamente enconstantin	
Oath and Signatur				
Oath and Signatur	e			
I,	e , h	ave read this Motion	n and Affidavit,	and I certif
I,	e , h iry and pursuant to the	ave read this Motion	n and Affidavit,	and I certif
I,	e, h ary and pursuant to the Motion and Affidavit is	ave read this Motion	n and Affidavit,	and I certif
I,	e, h ary and pursuant to the Motion and Affidavit is	ave read this Motion laws of the State o true and correct.	n and Affidavit,	and I certif
I,	e , h iry and pursuant to the	ave read this Motion	n and Affidavit,	and I certif
I, Print your name under penalty of perjulative provided in this	e, h ary and pursuant to the Motion and Affidavit is	ave read this Motion laws of the State of true and correct. Your signature*	n and Affidavit,	and I certif

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.400—Form 408: Original Notice by Publication

Petitioner: Complete this form only if a judge has signed an order giving permission to publish this Notice in a newspaper.

After you take this Notice to the newspaper, promptly mail a copy of this Notice and the Petition to Respondent's last known mailing address.

Note to Petitioner: Fill in third date of publication in section 2 below.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

Newspaper: Publish only the information below this line.

In the lowa District Court for $\frac{1}{Co}$	unty where the Petition is filed
Upon the Petition of	Equity case no.
Petitioner Full name: first, middle, last	Original Notice by Publication
and concerning	
Respondent Full name: first, middle, last	
 Petitioner (the other parent) has filed a custody and Petitioner's contact information during the custody Petitioner's name: First, middle, last 	and visitation case:
Petitioner's present street address County () Phone number	City State ZIP code Email address
Respondent's Deadline for Filing a Responsible You must file an Answer or a Motion with the clerk receiving this notice.	

Rule 17.400-Form 408: Original Notice by Publication, continued

3. Instructions to Respondent Named Above

You must file an Answer or a Motion with the clerk of court in the above county within **20 days** after the date provided above. If you do not respond, the **court may enter a judgment against you** giving Petitioner what he or she asked for in the Petition. You must register to eFile through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/Efile/ and obtain a log in and password to file and view documents in your case and to receive service and notices from the court. For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16, Iowa Rules of Electronic Procedure, available on the Iowa Judicial Branch website. For court rules on the Personal Privacy Protection in court filings, refer to Division VI of the Iowa Court Rules, Chapter 16.

Important Notice to Respondent

- You should talk to an attorney at once to protect your interests.
- If you choose not to have an attorney represent you in this matter, go to the Iowa Judicial Branch website for self-represented litigant information and family law forms.

If you need assistance to participate in court due to a disability, call the disability coordinator (information at http://www.iowacourts.gov). Persons who are hearing or speech impaired may call Relay lowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

Rule 17.400—Form 408a: Proof of Service by Publication

Petitioner: Use this form only if you filed Form 407 and the court approved your request to serve Respondent by publication.

 Get proof from the newspaper that published your Original Notice by Publication (408) once each week for three weeks in a row. · Scan in that proof along with this Form 408a.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for	G	D 22	_Count	у
	County where you filed th	ie Petition		
Upon the Petition of	Equity case no			
Petitioner Full name: first, middle, last	Proof of	Service by	/ Public	ation
and concerning				
Respondent Full name: first, middle, last	a			
Information and Requests				
A. Petitioner published notice in this new	vspaper:	naner		
B. Petitioner published notice on these to				. 20
Month Day Year Month	Day Year	Month	Day	Year
C. Petitioner mailed a copy of the Origina (Form 401) to the Respondent's last k		n (Form 408	B) and th	e Petition ZIP code
·-	ŕ			
on this date:				
, 20				
Month Day Year				
D. Petitioner asks the Court to accept the by the newspaper) and deem the Res		oublication ((see atta	ched prod

Rule 17.400—Form 408a: Proof of Service by Publication, continued

2.	Attorney Help Check one								
	A. An attorney did not help me prepare or fill in this paper.								
	B. An attorney helpe If you check B, you n								
	Name of attorney or o	organization, if any	Attorney's l	PIN - Ask the att	orney				
	Business address of a	ttorney or organization	- City		State	ZIP code			
	7	nber (
	I,	and pursuant to the lation and Affidavit is tr	aws of the St	ate of lowa tha					
	Signed on: Month	, 20	Your signatur	re*					
	Mailing address	City		Sta	te ZIF	o code			
	() Phone number	Email address		Additional emo	ail address	– if available			
	* Whether filing electronically or i scan the form after signing it and		e your signature	on this form. If you	u are filing e	electronically,			

Rule 17.400—Form 409: Application and Affidavit to Defer Payment of Costs

Petitioner: Use this form only if you cannot afford to pay the fees to file and serve the Petition.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff cannot be walved. For example, you may have to pay to publish a legal notice in the newspaper or to hire an expert to testify.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the lowa District Court for \overline{C}	ounty where the petition is filed
pon 1	the Petition of	Equity case no.
etitio	ner Full name: first, middle, last	Application and Affidavit to Defer Payment of Costs
nd cor	ncerning	
espo	endent Full name: first, middle, last	
l. Re	equest and Information	
A.	I am Petitioner.	
B.	For my Application and Affidavit, I state to Check all that apply	that:
	(1)	ervice costs or other court costs.
	(2) 🔲 I ask the court for permission to prod	eed without prepayment of costs and fees.
	(3) 🔲 I am filing this Application and Affida	vit in good faith.
	(4) \square I believe I am entitled to what I am a	sking for in this case.
C.	Household	
	There are people living in my house Number	sehold.
D.	My household income is \$	per month.
	CARLES TO TOTAL SERVICE CONTROL TO CONTROL TO THE SERVICE OF THE SERVICE CONTROL OF THE SER	efore deductions for all members of your household.
	My income comes from:	
E.		, wages, or benefits such as unemployment, Title 19, FIP.

Rule 17.400—Form 409: Application and Affidavit to Defer Payment of Costs, continued

F.	My household has th	e following monthly expenses:
	(1) Rent or mortgage	\$
	(2) Utilities	\$
	(3) Phone	\$
	(4) Food	\$
	(5) Transportation	\$
G.	I have \$	in cash, checking, and savings.

Continued on next page

Rule 17.400—Form 409: Application and Affidavit to Defer Payment of Costs, continued

Check	rney Help one								
ΑГ	A. An attorney did not help me prepare or fill in this paper.								
В. [An attorney helped	ped me prepare or fill in this paper. u must fill in the following information:							
	Name of attorney or org	ganization, if any	Attorney's PIN –	Ask the attorney					
	Business address of atto	orney or organization	City	State	ZIP code				
	()_ Attorney's phone numb			1 Canada 20					
Section	ification of Service in 3 to be completed only if ocument, if filed electronic	filing in paper or if the	e other party is <mark>exen</mark>		c filing.				
Ĺ		, cert			, 20				
Prin	t your name	, cert	Month	Da	v Year				
-		9 92 84700	<u>=</u>						
Name	of person to whom I delive	ered or mailed it	-						
÷	of person to whom I delive s or attorney's mailing ad		2	State	ZIP code				
Party'	s or attorney's mailing ad								
Party'	s or attorney's mailing ad	dress City, certify under	r penalty of perjur n and Affidavit an	y and pursuant	to the laws of				
Party'	s or attorney's mailing ad and Signature Print your name tate of lowa that I have ded in this Application at the con:	dress City, certify under read this Application and Affidavit is true a, 20	r penalty of perjur n and Affidavit an and correct.	y and pursuant	to the laws of				
Party' Party' Oath I, the St provide	s or attorney's mailing ad and Signature Print your name tate of lowa that I have led in this Application a	dress City, certify under read this Application and Affidavit is true a	r penalty of perjur n and Affidavit an	y and pursuant	to the laws of				
Party' Party' The Si provio	s or attorney's mailing ad and Signature Print your name tate of lowa that I have ded in this Application at the con:	dress City, certify under read this Application and Affidavit is true a, 20	r penalty of perjur n and Affidavit an and correct.	y and pursuant	to the laws of				
Party' Party' The St provice Signed Mailin	and Signature Print your name tate of lowa that I have ded in this Application and month	dress City, certify unde read this Application and Affidavit is true a, 20	r penalty of perjurn and Affidavit and correct. Your signature*	y and pursuant d that the inforr	to the laws of mation I have				
Party' Party' The St provice Signed Mailin	Print your name tate of lowa that I have ded in this Application a month	dress City, certify under read this Application and Affidavit is true a, 20	r penalty of perjurn and Affidavit and correct. Your signature*	y and pursuant d that the inforr	to the laws of mation I have				
Party' Party' Oath I, the St provid Signed Mailin (Phone * Whether	and Signature Print your name tate of lowa that I have ded in this Application and month	dress City	r penalty of perjurn and Affidavit and correct. Your signature*	y and pursuant d that the inform State	to the laws of mation I have ZIP code				

Rule 17.400—Form 410: Affidavit of Service of Original Notice and Petition for Custody and Visitation

Petitioner: Use this form only if Respondent did not sign an Acceptance of Service (form 405) or a person who is not a sheriff or a process server delivered a copy of the Petition and Original Notice to Respondent (the other parent).

- The person, other than Petitioner, who gave the Petition and Original Notice to Respondent, fills in this form.
- Petitioner, or the person who gave the Petition and Original Notice to Respondent, must file this form with the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa Distri		County where the I		ınty
Upon the Petition of		Equity case no	of Service of Or	iginal Notice
Petitioner Full name: first, middle, lass			on for Custody	
and concerning				
Respondent Full name: first, middle, la	ust			
1. Affidavit				
I, Name of person – Cannot be Petitic		, delivered a co	opy of the Origina	Notice and
Petition for Custody and Visita	ation for this ca	se to:		Check one \square a.m.
	on		, 20at	p.m.
Name of Respondent	Mo	onth I	Day Year T	ime
by handing Respondent copie	s of the attach	ed papers.		
2. Oath and Signature To be completed by the person who	gave the Petition o	and Original Notic	ce to Respondent.	
Ī <u>.</u>		, have read thi	s Affidavit of Servi	ice, and I certify
Print your name				
under penalty of perjury and p				information I
have provided in this Affidavit		ue and correct.		
Signed on: Don'th Don'th	, 20 ay	Your signature	*	
Monin Di	ay Tear	10ur signature		
Mailing address	Cit	у	State	ZIP code
() Phone number	Email address		Additional email ad	ldress – if available
* If you are filing electronically, scan the	form after signing i	t and then file electro	onically.	

Rule 17.400—Form 411: Protected Information Disclosure

It is the responsibility of counsel, if any, and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made. For electronic filers, see Division VI of the Iowa Rules of Electronic Filing in chapter 16 of the Iowa Court Rules. For paper filers, see Iowa Rule of Civil Procedure 1.422.

Use this form to identify the full version of any protected information redacted in other documents you have filed.

If filing electronically:

- Petitioner must complete this form (411) and file it with the Petition (form 401) and Original Notice (form 404).
- Respondent must complete this form if adding or correcting protected information.
- Paper filers also may use form 411 to assist in complying with Iowa Rule of Civil Procedure 1.422. If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for_	County
	ounty where the case is filed
Upon the Petition of	Equity case no.
Petitioner Full name: first, middle, last	Protected Information Disclosure
and concerning	
Respondent Full name: first, middle, last	

For electronic filers:

When protected information, as defined in lowa Court Rule 16.602, is required by law to be included or is material to the case and must be included in nonconfidential documents, a party shall include the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to lowa Court Rules: Chapter 16, Rules of Electronic Procedure, Division VI, Personal Privacy Protection. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted.

1. Petitioner The parent who filed for custody and visitation.

Provide the complete version of protected information and the redacted version included in documents you file.

Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)	
A. Social security number	<i>XXX-XX-XXXX</i>	Last four digits only	
B. Date of birth	mm/dd/yyyy	Year only	
Individual taxpayer identification numbers	XXX-XX-XXXX	Last four digits only	

Name_

Rule 17.400—Form 411: Protected Information Disclosure, continued

D.	Personal identification numbers (if no social security number)	Full number	Partial only
E.	Other unique identifying numbers	Full number	Partial only
F.			
	Additional protected information	Full information	Partial information
G.			
	Additional protected information	Full information	Partial information
Н.			
	Additional protected information	Full information	Partial information
I.			
	Additional protected information	Full information	Partial information

2. Respondent The other parent who did not file for custody and visitation.

Provide the complete version of protected information and the redacted version included in documents you file. If Petitioner is filling out this form, provide as much information about Respondent as you can.

First	Middle Las	t
Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
A. Social security number	XXX-XX-XXXX	Last four digits only
B. Date of birth	/ / / mm/dd/yyyy	Year only
C. Individual taxpayer identification numbers	XXX-XX-XXXX	Last four digits only
D. Personal identification numbers (if no social security number)	Full number	Partial only
E. Other unique identifying numbers	Full number	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
l. Additional protected information	Full information	Partial information

August 2019 Rule 17.400—Form 411 Page 2 of 5

☐ Check this box if you are attaching a separate sheet listing additional information for Respondent.

Check this box if you are attaching a separate sheet listing additional information for Petitioner.

Partial information

Rule 17.400-Form 411: Protected Information Disclosure, continued

3. Other Parties

Provide the complete version of protected information and the redacted version included in documents you file. Provide as much information about other parties as you can.

ne		
First	Middle	Last
Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
A. Social security number	 XXX-XX-XXXX	Last four digits only
B. Date of birth	mm/dd/yyyy	Year only
Individual taxpayer identification numbers	 XXX-XX-XXXX	Last four digits only
D. Personal identification numbers (if no social security number)	Full number	Partial only
E. Other unique identifying numbers	Full number	Partial only
F. Additional protected information	Full information	Partial information
G. Additional protected information	Full information	Partial information
H. Additional protected information	Full information	Partial information
L.		

4. Children

Additional protected information

Provide the complete version of protected information and the redacted version included in documents you file.

A.	Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	- XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

Full information Check this box if you are attaching a separate sheet listing additional information for other parties.

Rule 17.400—Form 411: Protected Information Disclosure, continued

B.	Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)	
	(1) Child's full name	First, middle, last name	Child's initials	
	(2) Social security number	- XXX-XX-XXXX	Last four digits only	
	(3) Date of birth	/ / / mm/dd/yyyy	Year only	

C.	Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	- XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

D.	Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	 XXX-XX-XXXX	Last four digits only
	(3) Date of birth	/ / mm/dd/yyyy	Year only

	Protected information type	Complete information (See Rules 16.602 and 16.604)	Redacted information (See Rule 16.605)
	(1) Child's full name	First, middle, last name	Child's initials
	(2) Social security number	 XXX-XX-XXXX	Last four digits only
-	(3) Date of birth	/ / mm/dd/yyyy	Year only

[☐] Check this box if you are attaching a separate sheet listing additional children.

Continued on next page

Rule 17.400—Form 411: Protected Information Disclosure, continued

5.	Information	provided by

	/s/		
Handwritten signature of Petitioner or attorney if filing in paper	Electronic signat if filing electronic		or attorney
Law firm, if applicable			
Mailing address	City	State	ZIP code
()Phone number			
Email address	Additional email add	dress, if applicabl	le .
Month Day Year Date signed			

Rule 17.400—Form 412: Joint Statement to Disestablish Legal Parent

- The parties use this form if both parties want the court to find that one of the parties is not a legal parent of the child.
- This form tells the court that both parties agree that one party is not a biological parent and should be
 disestablished as (should no longer be) a legal parent of the child.
- For purposes of this form, legal parent is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

If you do not understand how to use this form, or if you	u should use this form, talk to an attorney.
In the Iowa District Court for	County
	County where your case is filed
Upon the Petition of	Equity case no
Petitioner Full name: first, middle, last and concerning	Joint Statement to Disestablish Legal Parent
Respondent Full name: first, middle, last	
1. Legal Parent is a lega	al parent but not a biological parent of the
Petitioner's or Respondent's name	, , ,
following child or children:	
List each child's initials and birth year	
Initials only:	Initials only:

Initials only: First, middle, & last initials of each child	Birth <u>year</u>
(1)	
(2)	
(3)	

Initials only: First, middle, & last initials of each child	Birth <u>year</u>	
(4)		
(5)		
(6)		

Check this box if you have attached a sheet listing additional children for whom Petitioner or Respondent is not a biological parent.

Continued on next page

Rule 17.400—Form 412: Joint Statement to Disestablish Legal Parent, continued

2. Biological Parent

The biological parents, if known, of the children are as follows:

Initials only: First, middle, & last initials of each child		Biological paren	ts				
	(1)						
	(2)						
	(3)						
	(4)		2				
	(5)						
	(6)						
3.	Ger	netic Te	ests				
A. We agree to cooperate with getting any genetic test that the court order				court orders.			
B.		We understand that we may have to pay for any genetic test that the court orders.					
	C. Testing:						
		Check(1) or(2)					
(1) Genetic te			Genetic t	ests have not been o	lone.		
		(2)		tests* have been dor al parent.	ne and show	is not the spondent's name	
*Note on genetic tests: Genetic testing must be done by an accredited laboratory with verified documentation of the chain of custody, and the laboratory must send the evaluat report directly to the clerk of court. See lowa Code sections 600B.41 and 600B.41A.							
4.	Chi	ld Sup	port Re	covery Unit (CSI	RU)		
(Check o	ne					
A. CSRU is providing services.						39 39	
	Note: You must give a copy of this Motion to CSRU if it is providing services.						
1	В. 🗌	CSRU	is not pr	oviding services.			

Continued on next page

Rule 17.400—Form 412: Joint Statement to Disestablish Legal Parent, continued

5.	Best Interests of the Children
lt	is in the best interests of the child(ren) that Petitioner's or Respondent's name
is	Fetitioner's or Respondent's name found not to be a legal parent of the child(ren).
6.	Request
٧	Ve ask the court to:
A	Appoint a guardian ad litem (an attorney) for the child or children. We understand that we may have to pay the costs of the guardian ad litem.
В	 Order genetic tests if needed and order that Petitioner, Respondent, and children go for testing. We understand that we may have to pay for any genetic test that the court orders.
C	Find that Petitioner's or Respondent's name, if excluded by genetic testing, is not a
	Petitioner's or Respondent's name biological parent of the child or children listed in section 1 above, and that the court disestablish that person as a legal parent of the child or children.
7.	Attorney Help
	a. Petitioner Check one
	i. An attorney did not help me prepare or fill in this paper.
	ii. An attorney helped me prepare or fill in this paper.
	If you check (2), you must fill in the following information:
	Name of attorney or organization, if any Attorney's PIN – Ask the attorney
	Business address of attorney or organization City State ZIP code
	Attorney's phone number Attorney's fax number - optional Attorney's email address
	b. Respondent Check one
	i. An attorney did not help me prepare or fill in this paper.
	ii. An attorney helped me prepare or fill in this paper. If you check (2), you must fill in the following information:
	Name of attorney or organization, if any Attorney's PIN – Ask the attorney
	Business address of attorney or organization
	Attorney's phone number Attorney's fax number – optional Attorney's email address
	Thorney 5 prone name 1 thorney 5 fm number - optonia Attorney 5 email dadress
	Continued on next page

Rule 17.400-Form 412: Joint Statement to Disestablish Legal Parent, continued

8. Oaths and Signatures

A. Petitioner's Oath and Signature have read this Joint Statement, and I certify under penalty of Print your name perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Joint Statement is true and correct. Petitioner's signature* Month Mailing address City State ZIP code Email address Additional email address - if available * Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically. B. Respondent's Oath and Signature , have read this Joint Statement, and I certify under penalty of Print your name perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Joint Statement is true and correct. Month Respondent's signature* City ZIP code Mailing address State Phone number Email address Additional email address - if available

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.400—Form 413: Motion to Disestablish Legal Parent

- A party uses this form if one of the parties wants the court to find and conclude that one of the parties is not a
 biological parent of the child and should be disestablished as (should no longer be) a legal parent of the child.
- For purposes of this form, legal parent is a person who is recognized by law as a parent to the child because of
 a birth certificate, affidavit, child support order, or other legal document.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Co	ourt for	ounty when	e your case is filed	County
Upon the Petition of		22 - 22 93	case no	
		Equity	case no	
Petitioner Full name first, middle, last	**************************************	M	otion to Disestablish	Legal Parent
and concerning				
Respondent Full name first, middle	le, last			
m Check one				
A. ☐ PetitionerB. ☐ Respondent				
Legal Parent				
Legai Faleill			ano wak ba a bialawiani	
Petitioner's or Respondent's name		irent but n	nay not be a biological	parent
of the following child or child				
of the following child of child	ieli.			
List each child's initials and b	irth year			_
Initials only: First, middle, & last initials of each child	Birth <u>year</u>		Initials only: First, middle, & last initials of each child	Birth <u>year</u>
(1)			(4)	
(2)			(5)	
(3)			(6)	
			<u> </u>	I.
	. 1 1 1 1	Linking and like	. 11.11 6 1 5	itionar or
Check this box if you have		isting addit	ional chilaren Jor whom Pel	moner or
☐ Check this box if you have Respondent is not the biol		isnng addii	ional cniiaren Jor wnom Pel	moner or

3.

4.

Rule 17.400—Form 413: Motion to Disestablish Legal Parent, continued

2. Biological Parent

The biological parents, if known, of the children are as follows:

Fir	st,	s only: middle, & s of each		Biological parents	
(1)				
(2)				
(3)				
(4)				
(5)				
(6)		-		
Ge	net	tic Tes	ts		
Α.		l agree	to coop	erate with getting any genetic test that the court orders.	
B.		I unde	rstand tha	at I may have to pay for any genetic test that the court orders	
C.		Testing	g :		
		Check (l) or (2).		
		(1)	Genetic t	tests have not been done.	
		(2)	Genetic t	tests* have been done and show	_is not the
			biologica	Petitioner's or Respondent's name all parent.	
		verified	documen	c tests: Genetic testing must be done by an accredited laboratory valuation of the chain of custody, and the laboratory must send the evithe clerk of court. See lowa Code sections 600B.41 and 600B.41 A	aluation
Chi	ild	Suppo	rt Reco	overy Unit (CSRU)	
Che	ck o	ne			
A.				ing services.	
		Note: Yo	ou must giv	ve a copy of this Motion to CSRU if it is providing services.	
B.		CSRU	is not pro	oviding services.	
				Continued on next page	

Rule 17.400—Form 413: Motion to Disestablish Legal Parent, continued

is in the best interests of the child(ren) that _ found not to be a legal parent of the child(re	Petitioner's or Res	spondent's name
found not to be a legal parent of the child(re		spondent's name
equest		
sk the court to:		
		rstand that I
Find that, if	excluded by genetic testing,	is not a
biological parent of the child or children list		at the court
ttorney Help		
neck one		
☐ An attorney did not help me prepare or	fill in this paper.	
☐ An attorney helped me prepare or fill in	this paper.	
If you check B, you must fill in the following in	formation:	
Name of attorney or organization, if any	Attorney's $PIN - Ask$ the attorne	y
Business address of attorney or organization	City State	ZIP code
	x number – optional Attorney's ei	mail address – optional
Attornev's phone number Attornev's fa	x number – obionai – Automev s ei	TIME MAKE SON - OPHOWN
Attorney's phone number Attorney's factority's or attorney's mailing address	State	ZIP code
	Appoint a guardian ad litem (an attorney) f may have to pay the costs of the guardian Order genetic tests if needed and order the go for testing. I understand that I may have court orders. Find that	Appoint a guardian ad litem (an attorney) for the child or children. I under may have to pay the costs of the guardian ad litem. Order genetic tests if needed and order that Petitioner, Respondent, and go for testing. I understand that I may have to pay for any genetic test to court orders. Find that, if excluded by genetic testing, Petitioner's or Respondent's name biological parent of the child or children listed in section 1 above, and the disestablish that person as a legal parent of the child or children. Ittorney Help The deck one An attorney did not help me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Attorney's PIN - Ask the attorney have a section 1 above. Attorney or organization, if any Attorney's PIN - Ask the attorney have a section 1 above.

Rule 17.400—Form 413: Motion to Disestablish Legal Parent, continued

1	ä	certify that on			, 20_
Print your name	**		Month	Dc	ay Year
mailed or gave a copy of t	his Motion to the of	ther party or the	other party's	attorney	at this address
Name of person to whom I del	ivered or mailed it				
Dath and Signature					
		certify under pen	alty of periun	v and purs	uant to the
1		certify under pen	alty of perjury	y and purs	uant to the
Print your name					
Print your name aws of the State of Iowa that					
Print your name aws of the State of Iowa that Motion is true and correct.					
Print your name laws of the State of Iowa that Motion is true and correct. Signed on:	t I have read this Mo	otion and that the	information I		
Print your name aws of the State of Iowa that Motion is true and correct.			information I		
Print your name laws of the State of lowa that Motion is true and correct. Signed on: Month	t I have read this Mo	otion and that the Your signate	information I	have prov	rided in this
Print your name laws of the State of Iowa that Motion is true and correct. Signed on:	t I have read this Mo	otion and that the	information I		

August 2019 Rule 17.400—Form 413 Page 4 of 4

the form after signing it and then file electronically.

Rule 17.400—Form 415: Answer to Petition for Custody and Visitation

Respondent: You must file an Answer in the county where the Petition was filed within **20 days** after receiving the Petition and Original Notice, or the **court may enter a judgment against Respondent** giving Petitioner what he or she asked for in the Petition.

- Read the <u>Guide to Representing Yourself in an Iowa Custody and Visitation Case (Parents not Married)</u> on the Iowa Judicial Branch website before using this form.
- Use this Answer form 415 if you received Petition form 401, otherwise use form 416.
- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (form 411) if you have not already done so.
- If filing in paper, you may use form 411.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for County w	County where the other parent filed the Petition
Upon the Petition of	Equity case no.
Petitioner first, middle, last The other parent's full name	Answer to Petition for Custody and Visitation
and concerning	
Respondent first, middle, last Your full name	
1. Personal Information Fill in all information th	at you know.
A. Petitioner's information Check one If paragraph 1A of the Petition (form 401) is not c	orrect, check (2) and fill in the blanks.
(1) Petitioner's (the other parent's) birth y	ear and present residence are correct in the Petition.
(2) Petitioner's birth year and present res	dence are not correct in the Petition.
The correct information is: Birth year	_
Present street address	City State ZIP code
County () Telephone number	Email address

2.

Rule 17.400—Form 415: Answer to Petition for Custody and Visitation, continued

B.	Check o	ne	nformation The Petition (form 401) is not cor	rect, check (2) and fill in t	he blanks.
			ent's (your) birth year and pres		
	(2)		ent's birth year and present res		
		107	ect information is: Birth year	_	
		Present st	reet address	City	State ZIP code
			() Telephone number	Email address	
		County	Telephone number	Email address	
C.	Fill in a	is much info one	any, who has visitation or commation as you know. The Petition (form 401) is not cor		
		The infor	mation for the other person whis correct in the Petition.		
	(2) 🗆		mation for the other person whis not correct in the Petition. T		
		Full name	: first, middle, last		
		Present st	reet address	City	State ZIP code
			() Telephone number	T : 11	
		County	Telephone number	Email address	
Ge	eneral	Informat	tion about the Parties ar	nd the Children	
A.	Childre Check of	7000			
	If parag	graph 2A of	the Petition (form 401) is not cor	rect, check (2) and comple	ete section A(2).
	(1)	☐ The F	Petition provides the correct inf	ormation about the part	ies and children.
	(2)		Petition does not provide the collete section A(2) below. If neces.		
			There are children under age Petitioner and Respondent.	18 who are the biologic	cal children of both
			There are children under age adopted by the other party.	18 who are the biologic	cal children of one party and
			There are children under age	18 who were adopted t	by both parties.
			Petitioner or Respondent is p	pregnant.	

December 2019

Rule 17.400—Form 415: Answer to Petition for Custody and Visitation, continued

B.										
	Check one If paragraph 2B of the Petition (for about the children's identification.	rm 401) is n	ot correct, o	check (2) an	d provide th	ne correct in	formation			
	 (1) The children are identified correctly in the Petition. (2) The children are not identified correctly in the Petition. The correct information is: 									
	(2) The children are not ide	entified corr	ectly in the	Petition.	The correc	t informatio	on is:			
	7 <u>2</u>	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)			
	First, middle, & last initial									
	Birth year			,		,				
	☐ Check this box if you	are attachir	ıg a separat	e sheet listii	ng additiond	al children.				
C.	Legal parents									
	Check one									
	If paragraph 2C of the Petition (form 401) is not correct, check (2) and provide the correct information about the legal parents of the children.									
	(1) The legal parents of th	e children	are identifi	ed correctly	y in the Pet	tition.				
	(2) The legal parents of the information is:	e children a	are not ider	ntified corre	ectly in the	Petition. T	he correct			
	For each child of the parties, state testing or paternity affidavit, check						hed by gene	tic		
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)			
	Legal parents established?									
	Yes									
	No									
	Unknown									
	If established, state how:									
	Prior court order									
	On birth certificate									
	Other (explain in section 4)									

Rule 17.400-Form 415: Answer to Petition for Custody and Visitation, continued

	Ok : - -	11		-1-
D.	Children's	IIVING	arrangemer	าเร

Check one If paragraph 2D of the Petition (form 401) is not correct, check (2) and provide the correct information about the children's residence. (1) The information about where the children have lived is listed correctly in the Petition. The information about where the children have lived is not listed correctly. The correct information is: List children by initials only Child (1) Child (2) Child (3) Child (4) Child (5) Child (6) Children's İ. initials Lived with Adult Name City State **Dates** From mm/dd/yyyy To mm/dd/yyyy Child (5) Child (1) Child (2) Child (3) Child (4) Child (6) Children's ii. initials Lived with Adult Name City State **Dates** From mm/dd/yyyy To mm/dd/yyyy Child (1) Child (3) Child (5) Child (6) Child (2) Child (4) iii. Children's initials Lived with Adult Name City State **Dates** From mm/dd/yyyy To mm/dd/yyyy Child (1) Child (2) Child (3) Child (4) Child (5) Child (6) Children's iv. initials Lived with Adult Name City State **Dates** From mm/dd/yyyy To mm/dd/yyyy V.

	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
Children's initials	·				-	
Lived with		Adult Name		Ci	ty	State
Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		

Check this box if you have attached a separate sheet listing additional children or addresses.

Note: If the children have been in Iowa for less than six months, the court may not be able to issue an order about custody or visitation. The rules are complicated, and you may need to talk to an attorney. Rule 17.400—Form 415: Answer to Petition for Custody and Visitation, continued

E. Respondent's status

	Che	ck o	ne		
				2E of the Petition (form 401) is not correct, check (2) and provingent's status.	ide the correct information
	(1)		The	information about Respondent's status is listed correctly	n the Petition.
	(2)		The	e information about Respondent's status is not listed correct	ctly. The correct information
				Respondent (you are Respondent) is in the military service. There are special rules that may prevent this custody and vectors forward if you are in the military. You should talk to an at	isitation case from going
				Respondent is in prison or jail at Name of facility	in State
				If you are in prison or jail, you may be entitled to a "guard usually an attorney, appointed to protect the interests of a protect the interests of a protect the interests."	
F.	Pr	ote	ctive	e or no contact order	
		arag	graph	2F of the Petition (form 401) is not correct, check (2) and provi s status.	ide the correct information about
	(1)			information about a "protective order" or "no contact order tition.	" is listed correctly in the
	(2)			e information about a "protective order" or "no contact order rect information is:	er" is not listed correctly. The
				There is neither a "protective order" nor a "no contact ord (you) and Petitioner (the other parent).	er" between Respondent
				There is a "protective order" or a "no contact order" betwee Petitioner.	een Respondent and
				If there is a "protective order" or a "no contact order," fill in	the following information:
			a.	County and state where the order came from: County	State
				County	State
			b.	Court case number:	
3.			r Ca A or	ases about the Children	
,	1 .□	co	rrec	the information in section 3 in the Petition on other cat. heck A, skip to 4.	ases about the children is
В	_	So ab If y (1) Che	me o out vou co Ju eck a	or all of the information in section 3 in the Petition on the children is not correct. The correct information is theck B, fill in the correct information below. venile court or b. There is no juvenile court case.	

3 1 /.400—	-Form	415:	Answer to Petition for Custody and Visitation, continued	
	b.		There is a juvenile court case. The correct information is:	
		If y	you check b, fill in the following information:	
		i.	County and state of the juvenile court case:	State
			Sub-legations • A	State
		ii.	Court case number:	
			Check one	
			(a) Concurrent jurisdiction has been granted.	
			(b) Concurrent jurisdiction has not been granted.	
			Note: If the juvenile court has not given concurrent jurisdiction (pern child custody cannot be decided in this case. You should talk to an att	
	(2)		custody order neck a or b.	
	a.		There is no custody order.	
	b.		There is a custody order.	
		If y	you check b, fill in the following information:	
		i.	County and state where the custody order came from:	State
		ii.	Court case number:	
	(3)		hild support order heck a or b.	
	a.		There is no child support order.	
	b.		There is a child support order.	
		<i>If y</i>	you check b, fill in the following information:	
		i.	County and state where the child support order came from:	State
		ii.	Court case number:	
		iii.	List the children the support case covers (initials only):	
				_
. Othe	r In	forr	mation	
			denies anything in the Petition that Respondent has not agreed is o	correct
			espondent provides the following information: All of the basic informat	
			is on this form. Provide other information only if you need to explain something.	
(**************************************				
<u> </u>				

Rule 17.400—Form 415: Answer to Petition for Custody and Visitation, continued

5.	Respo Che	ondent's Request and an armonder items to an attorney. The court will only consider items the to an attorney.	at are checked. If y	ou do not know what you want,
	A. 🗆	Decide custody and visitation.		
	В. 🗆	Establish legal parent.		
	c. □	Order child support and medical support.		
	D . □	Order that Petitioner pay the court fees.		
	E . □	Order that Petitioner pay for Respondent's a	attorney's fees	
	F. 🗆	Other request:		
6.	Attorr Check o	ney Help		
	A. B.	An attorney did not help me prepare or fill in An attorney helped me prepare or fill in this If you check B, you must fill in the following information	paper.	
		Name of attorney or organization, if any	Atto	orney's PIN – Ask attorney
		Business address of attorney or organization	City	State ZIP code
		()	Attorney's email a	ddress – optional
7.		ce Instructions pondent is filing in paper ne		
	A . □	Respondent will accept service of documents or	s at the attorney'	s address listed above;
	В. 🗆	Respondent will accept service of documents below.	s in this case at t	he mailing address
		Continued on	next page	

Rule 17.400—Form 415: Answer to Petition for Custody and Visitation, continued

	Certification of Service Section 8 to be completed only This document, if filed electron	if filing in pape	er or if the or	her party is exempt j		parties.		
	I,Print your name		, certify	that on	5V-			
	man and San					550	Year	
	I mailed or gave a copy of address:	f this Answer	to the oth	er party or the ot	her party's	attorne	∍y at this	
	Name of person to whom I del	ivered or mailed	lit					
	Party's or attorney's mailing	address		City	S	tate	ZIP code	
).	Oath and Signature		, have r	ead this Answer,	and I certi	fy unde	er penalty	
	Print your name	NO 0 00	20 1200 10		(E) 198 4	 9 21		
	The second secon			of laces that the in		h-11-		
	of perjury and pursuant to in this Answer is true and		the State (or lowa that the in	irormation	i nave	provided	
	in this Answer is true and	correct.			irormation	i nave	provided	
	in this Answer is true and	correct.		our signature*	irormation	i nave	provided	
	in this Answer is true and	correct.			State	ZIP		
	in this Answer is true and Signed on: Month	correct.	ar Yo	our signature*		ZIP o	code	

Important Instructions for filing this form on next page.

Instructions for Rule 17.400—Form 415: Answer to Petition for Custody and Visitation

Do not file these instructions

Instructions for Filing an Answer to a Petition for Custody and Visitation

The Iowa Judicial Branch uses an electronic court system known as the eFile System. You must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

Filing your Answer electronically

- You must register to file electronically. For help, see the <u>eFile User Guide</u> and the instructions on the <u>eFile Instructions page</u> on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when you file electronically.)
- Log in to the eFile System on the Iowa Judicial Branch website and file your Answer.
- The login page can be accessed from two different paths: you may directly log in to eFile; or from the
 judicial branch website menu, you may select "eFile Login."
- You will receive a Notice of Electronic Filing when the clerk of court has approved the filing of your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, you will receive a Notification of Electronic Filing in your
 eFile account. Log into My Filings, correct the error, and resubmit your filing. For help, see
 Resubmitting a Returned Filing.
- The Notice of Electronic Filing will indicate if the other parent is exempt from electronic filing
 requirements, in which case, you must mail or serve in paper a copy of the document on the other
 parent if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where the Petition was filed. The county is listed at the top of the Petition (form 401).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- · Keep one of the copies for your records.
- Serve one of the copies of your Answer on the other parent (Petitioner).
- You can hand one of the copies of the Answer form to the other parent, or mail a copy to the other
 parent at the address shown on the Petition.
- If the other parent has an attorney, you should serve the Answer by mailing a copy to the attorney
 at the attorney's address on the Petition if box 7A on the Petition is checked.

Do not file these instructions

Rule 17.400—Form 416: General Answer to a Petition for Custody and Visitation

Respondent: You must file an Answer in the county where the Petition was filed within **20 days** after receiving the Petition and Original Notice, or the **court may enter a judgment against you** giving the Petitioner what he or she asked for in the Petition.

If the Petition you received is on form 401, use form 415 for your Answer.

Read the Guide to Representing Yourself in an Iowa Custody and Visitation Case (Parents not Married) on the Iowa Judicial Branch website before using this form.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (form 411).
- If filing in paper, you may use form 411 to provide any protected information in full.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

	In the lowa District Court for Con	nty where the Petition was filed
Jpor	the Petition of	Equity case no.
	ioner r parent's full name: first, middle, last	General Answer to a Petition for Custody and Visitation
ınd c	oncerning	
	ondent name: first, middle, last	
	Respondent's Answer You are Respondent Respondent admits that the following parage List the numbers of the paragraphs in the Petition the the paragraphs you list here are not true, it may be	graphs in the Petition are true: hat you think are true. If you decide later that
A.	Respondent admits that the following paragraphs the numbers of the paragraphs in the Petition to the paragraphs you list here are not true, it may be	graphs in the Petition are true: hat you think are true. If you decide later that too late to change your answer.
A.	Respondent admits that the following paragraphs the numbers of the paragraphs in the Petition the	graphs in the Petition are true: hat you think are true. If you decide later that too late to change your answer. graphs in the Petition are true:

Rule 17.400-Form 416: General Answer to a Petition for Custody and Visitation, continued

D. Children's living arrangements

Places where the children have lived during the last five years and the parent(s) or adult(s) who acted as parents:

		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(1)	Children's initials						
	Lived with		Adult Name		Ci	ty	State
	Dates	From mn	n/dd/yyyy	To mm /	/dd/yyyy		
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(2)	Children's initials		(-)	(2)	()	(,,	
	Lived with		Adult Name		Ci	ty	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(3)	Children's initials						
	Lived with		Adult Name		Ci	ty	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		
		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(4)	Children's initials			•			
	Lived with		Adult Name	Ci		ty	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		
	[Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
(5)	Children's initials						
	Lived with		Adult Name		Ci	ty	State
	Dates	From mn	n/dd/yyyy	To mm/	/dd/yyyy		

 $\ \square$ Check this box if you have attached a separate sheet listing additional children.

Note: If the children have not lived in Iowa for six months, you might not be able to get custody. The rules are complicated and you may need to talk to an attorney.

Rule 17.400—Form 416: General Answer to a Petition for Custody and Visitation, continued

E.	Carron	000		o contact orders	
	Che	ck o			
	(1)			is neither a "protective order" nor a "no contact order" between Respond ner (the other parent).	ent (you) and
	(2)		There is	s a "protective order" or "no contact order" between Respondent and Pe	titioner.
			If you ca	heck (2), fill in the following information:	
			a. Co	unty and state where the order came from:	* **
				County	State
			b. Co	ourt case number:	
F.	Oth	er	cases a	about the children	
	Che	ck (1) or (2)		
	(1)		There a	are no other cases about the children. If you check (1), skip to G.	
	(2)		There a	are other cases about the children.	
		er a	bout cus	der from out of state about the children, an Iowa court may not be able stody or visitation. The rules are complicated and you may need to talk	
	Ifyo	ou ch	neck F(2)), fill in the applicable information below.	
	a.	Ju	enile co	purt	
		Che	eck i or ii	i.	
		i.	☐ The	ere is no juvenile court case.	
		ii.	☐ The	ere is a juvenile court case.	
			If you c	heck ii, fill in the following information:	
			(a) Co	unty and state of the juvenile court case:	State
				County	state
				venile court case number:	
			Ch	neck (i) or (ii)	
			(i)	☐ Concurrent jurisdiction has been granted.	
			(ii)	☐ Concurrent jurisdiction has not been granted.	
				Note: If the juvenile court has not given concurrent jurisdiction (per child custody cannot be decided in this case. You should talk to an at	
	b.	Cu	stody or	der	
			u might n eck i or ii	not be able to get custody in Iowa if there is a custody order entered in anoth i.	er state.
		i.	☐ Th	ere is no custody order.	
		ii.		nere is a custody order. Sheck ii, fill in the following information:	
			0000	ounty and state where the custody order came from:	
			N. C.	County	State
			(b) Co	ourt case number:	

Rule 17.400—Form 416: General Answer to a Petition for Custody and Visitation, continued

	C.			upport order		
			-	or ii.		
		i.		There is no child support order.		
		ii.		There is a child support order.		
		If	vou ci	heck ii, fill in the following information:		
			(a)	County and state where the child support order came from	County	State
			(b)	Court case number:		
G	. R	espo	onde	ent denies anything in the Petition that is not admit	tted in this Ans	wer.
				rmation:		25 7.02
п	. 0	tner	Inio	rmation.		
-						
·						
2. R	esp	one	dent	t's Request If you do not know what you want, talk to	o an attorney.	
				isks the court to: Write here what you would like the convant for custody and visitation. Be brief. Do not write long		nple, tell the
·						
-						į
9 5						,
-						
_						

Rule 17.400—Form 416: General Answer to a Petition for Custody and Visitation, continued

	Attori Check o	ney Help one							
	A. 🗆	An attorney dic	not help me	prepare o	r fill in this pa	per.			
	В. 🗆	An attorney he If you check B, yo	5 5		9 9				
		Name of attorney	or organization	, if any		Atte	orney's PI	N – A	1sk attorney
		Business address	of attorney or o	rganization		ty	Sto	ate	ZIP code
		()Attorney's phone	no. () Attorney	's fax noo	ptional Attorn	ney's email a	address – o _l	ptiona	ı
	Servi	ce Instruction	S						
		pondent is filing	in paper						
	Check							17-4-	.i .i
		Respondent wi							
	В. 🛘	Respondent wil	l accept servi	ce of docur	nents in this o	ase at the	mailing a	addr	ess below.
- 9				IIDA AFIJ					
	Section	5 to be completed of cument, if filed elect	nly if filing in p		other party is e			filin	g.
2000	Section This do	5 to be completed of cument, if filed elect	mly if filing in p tronically, will d	aper or if the automatically	other party is e be served on re	egistered pa	rties.		~
870 8500 00-80	Section This do I, Print	5 to be completed of cument, if filed elect your name	only if filing in p tronically, will c	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h	- <u>-</u>	, 20
20 St. 10	Section This do I, Print I maile	5 to be completed of cument, if filed electrical your name ed or gave a cop	only if filing in p tronically, will c	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h	- <u>-</u>	, 20
20 St. 10	Section This do I, Print	5 to be completed of cument, if filed electrical your name ed or gave a cop	only if filing in p tronically, will c	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h	- <u>-</u>	, 20
	Section This do I, Print I maile addres	5 to be completed of cument, if filed electrical your name ed or gave a copess:	only if filing in p tronically, will o	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h	- <u>-</u>	, 20
	Section This do I, Print I maile addres	5 to be completed of cument, if filed electrical your name ed or gave a cop	only if filing in p tronically, will o	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h	- <u>-</u>	, 20
	Section This do I, Print I maile addres Name o	5 to be completed of cument, if filed electrons to your name ed or gave a copss: f person to whom I	only if filing in p tronically, will d y of this Answ delivered or ma	aper or if the automatically	e other party is e to be served on re , certify that other party or	egistered pa at on Month	rties. h party's a	ttor	Day, 20
	Section This do I, Print I maile addres Name o Party's	5 to be completed of cument, if filed electrical syour name ed or gave a copess: If person to whom I or attorney's mailing	only if filing in p tronically, will d y of this Answ delivered or ma ng address	aper or if the automatically	other party is e be served on re , certify the	egistered pa at on Month	rties. h party's a	- <u>-</u>	, 20
	Section This do I, Print I maile addres Name o Party's	5 to be completed of cument, if filed electrons to your name ed or gave a copss: f person to whom I	only if filing in p tronically, will d y of this Answ delivered or ma ng address	aper or if the automatically	e other party is e to be served on re , certify that other party or	egistered pa at on Month	rties. h party's a	ttor	Day, 20
	Section This do I, Print I maile addres Name o Party's	5 to be completed of cument, if filed electric tyour name ed or gave a copess: or attorney's mailing and Signatur	only if filing in p tronically, will d y of this Answ delivered or ma ng address e	aper or if the automatically wer to the o	e other party is even be served on received on received on received on received on received on the control of t	egistered par at on Month the other	rties. h party's a	tate	Day Yeney at this
	Section This do I, Print I maile addres Name o Party's Oath I, Print	5 to be completed of cument, if filed electronic tyour name ed or gave a copess: or attorney's mailing and Signatur	only if filing in p tronically, will d y of this Answ delivered or ma ng address e	aper or if the automatically ver to the o	e other party is ever be served on received on received on received on received on received on received on the control of the	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj	5 to be completed of cument, if filed electronic filed electronic filed electronic filed or gave a copess: If person to whom I or attorney's mailing and Signatur filed electronic filed filed electronic filed filed electronic f	only if filing in p tronically, will of y of this Answ delivered or ma ing address e	aper or if the automatically ver to the o	e other party is ever be served on received on received on received on received on received on received on the control of the	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj	5 to be completed of cument, if filed electronic tyour name ed or gave a copess: or attorney's mailing and Signatur	only if filing in p tronically, will of y of this Answ delivered or ma ing address e	aper or if the automatically ver to the o	e other party is ever be served on received on received on received on received on received on received on the control of the	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj	5 to be completed of cument, if filed electronic syour name ed or gave a copess: f person to whom I or attorney's mailing and Signatur syour name ury and pursuant Answer is true a	y of this Answer delivered or main address to the laws and correct.	aper or if the nutomatically ver to the o	e other party is every be served on received on the received on re	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj in this	5 to be completed of cument, if filed electronic syour name ed or gave a copess: f person to whom I or attorney's mailing and Signatur syour name ury and pursuant Answer is true a	only if filing in p tronically, will of y of this Answ delivered or ma ing address e	aper or if the automatically ver to the o	e other party is ever be served on received on received on received on received on received on received on the control of the	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj in this Signed	5 to be completed of cument, if filed electroment, if filed electroment, if filed electroment and or gave a copess: f person to whom I or attorney's mailing and Signatur and Signatur and pursuant Answer is true a con:	y of this Answer delivered or main address to the laws and correct.	aper or if the nutomatically ver to the o	e other party is every be served on received on the received on re	at on Month the other	h party's a	ttate	, 20
	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj in this Signed	5 to be completed of cument, if filed electroment, if filed electroment, if filed electroment and or gave a copess: f person to whom I or attorney's mailing and Signature and Signature and sury and pursuant Answer is true attorney is true attorney.	y of this Answer delivered or main address to the laws and correct.	wer to the diled it of the State Year	e other party is every be served on received on the received on re	at on Month the other	rties. h party's a S d I certify mation I I	ttate	, 20
THE SEASON CLASS CO. CO. CO. CO. CO. CO. CO. CO. CO. CO.	Section This do I, Print I maile addres Name o Party's Oath I, Print of perj in this Signed	5 to be completed of cument, if filed electroment, if filed electroment, if filed electroment, if filed electroment and save a copess: f person to whom I or attorney's mailing and Signatur and Signatur and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney and pursuant Answer is true attorney atto	y of this Answer delivered or mains address to the laws and correct.	wer to the diled it of the State Year	e other party is every be served on received on the received on re	at on	rties. h party's a S d certify mation	ttate / unhave	, 20

Instructions for Rule 17.400-Form 416: General Answer to a Petition for Custody and Visitation

Instructions for Filing an Answer to a Petition for Custody and Visitation

The Iowa Judicial Branch uses an electronic filing court system known as the eFile System. You must file electronically unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

□ Filing your Answer electronically

- You must register to file electronically. For help, see the <u>eFile User Guide</u> and the instructions on the <u>eFile Instructions page</u> on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when
 you file electronically.)
- Log in to the eFile System on the Iowa Judicial Branch website and file your Answer.
 The login page can be accessed from two different paths: you may <u>directly log in to eFile</u>; or from the judicial branch website menu, you may select "eFile Login."
- You will receive a Notice of Electronic Filing when the clerk of court has approved the filing of your Answer
 and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, you will receive a Notification of Electronic Filing in your eFile
 account. Log into My Filings, correct the error, and resubmit your filing. For help, see <u>Resubmitting a</u>
 <u>Returned Filing</u>.
- The Notice of Electronic Filing will indicate if the other parent is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on the other parent if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where
 the Petition was filed. The county is listed at the top of the Petition.
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on the other parent (Petitioner).
- You can hand one of the copies of the Answer form to the other parent, or mail a copy to the other parent at the address shown on the Petition.
- If the other parent has an attorney, you may serve the Petition by mailing a copy to the attorney at the attorney's address.

Do not file these instructions

August 2019

Rule 17.400—Form 421: Affidavit for Temporary Custody and Visitation

Form 421 is for either party to tell the court about custody and visitation before the case is finished, or to have a witness tell the court about custody and visitation before the case is finished.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for	unty where the case is filed
Upon the Petition of	Equity case no. Affidavit for Temporary Custody and
Petitioner Full name as it appears on the Petition: first, middle, last	Visitation
and concerning	
Respondent Full name as it appears on the Petition: first, middle, last	
1. Statement	
A. My name is Full name of witness: first, middle, last	*
First, middle, last name of party	; or initials of child (Do not use child's full name.)
is:	
:	
C. I understand that a judge may consider this visitation of the children in this case. If I we Attach additional pages if necessary.	s Affidavit to determine temporary custody and ere present in court, I would testify as follows:
Check here if there are additional pages attached.	ed.
Continues	l on next page

Rule 17.400—Form 421: Affidavit for Temporary Custody and Visitation, continued

A. [l not help me prepa				
В. [lped me prepare or	SCHOOL SECTION OF THE	er.		
	15 уои спеск В, уо	u must fill in the followi	ng injormation:			
	Name of attorney	or organization, if any		Attorney's PIN	I – Ask the	attorney
	Business address	of attorney or organizat	tion	City	State	ZIP cod
	()	()				
	Attorney's phone	no. Attorney's fax n	0. – optional Ati	torney's email addres:	– optional	
	Attorney's phone	no. Attorney's fax n	0. – optional At	torney's email addres:	– optional	
Oat	Attorney's phone		0. – optional At	torney's email addres:	- optional	
Oat	h and Signature	e of Witness			. 5,3 ()	unt to the
1,	h and Signature		certify under p	penalty of perjury a	nd pursua	
I, laws	h and Signature	e of Witness , ra that I have read th	certify under p	penalty of perjury a	nd pursua	
l, laws in th	th and Signature of the State of low is Affidavit is true a	e of Witness na that I have read the not correct.	certify under p is Affidavit and	penalty of perjury and that the information	nd pursua	
l, laws in th	th and Signature	e of Witness , ra that I have read th	certify under p	penalty of perjury and that the information	nd pursua	
l, laws in th	th and Signature of the State of low is Affidavit is true a	e of Witness na that I have read the not correct.	certify under p is Affidavit and	penalty of perjury and that the information	nd pursua	
l, laws in th	th and Signature of the State of low is Affidavit is true a and on: Month	e of Witness ya that I have read the order of the order	certify under pais Affidavit and Vision Front States	penalty of perjury and that the information	nd pursua on I have	provided
I, laws in th	th and Signature of the State of low is Affidavit is true a	e of Witness ya that I have read the order of the order	certify under p is Affidavit and	penalty of perjury at that the information	nd pursua	provided
l, laws in th Signa Mail:	th and Signature s of the State of low is Affidavit is true a ed on: Month ing address	e of Witness That I have read the read	certify under pais Affidavit and Your signal	penalty of perjury and that the information of the state	nd pursua on I have	provided
l, laws in th Signa Mail:	th and Signature of the State of low is Affidavit is true a and on: Month	e of Witness ya that I have read the order of the order	certify under pais Affidavit and Your signal	penalty of perjury at that the information	nd pursua on I have	provided
l,laws in th Signa Mail:	th and Signature s of the State of low is Affidavit is true a and on: Month ting address	e of Witness That I have read the read	certify under pais Affidavit and Your signal City	penalty of perjury and that the information of the	address	provided code if available

Rule 17.400-Form 422: Motion in a Custody and Visitation Case

Use this form if you want to ask the court to do something after your court case has already started.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for C	ounty where your case is filed
Upon the Petition of	Equity case no.
Petitioner Full name: first, middle, last	Motion in a Custody and Visitation Case
and concerning	
Respondent Full name: first, middle, last	
l am Check one A. □ Petitioner B. □ Respondent	
1. Request	
A. I ask the court to	
2000 A 19	must tell the court why you are making this request in B.
(1) Change the hearing date that has be	en set for, 20 Month Day Year
(2) Order temporary custody and visitation	on.
(3) Order temporary child support and m	edical support.
(4) Set a hearing date for a Custody and	Visitation Order by default.
(5) Award me attorney's fees before the	
(6) Order genetic testing to decide paterr appear for testing.	nity and require that Petitioner, Respondent, and child
(7) ☐ Other request Explain	
B. I am making the request(s) in this Motion	because:

Rule 17.400—Form 422: Motion in a Custody and Visitation Case, continued

A. An attorney did not help me prepare or fill in this paper. B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: Name of attorney or organization, if any Business address of attorney or organization City Attorney's phone no. Attorney's fax no optional Attorney's email of Attorney's phone no. Attorney's fax no optional Attorney's email of Attorney's phone no. Attorney's fax no optional Attorney's email of Attorney's mail of Attorney's mail of Party is exempt from This document, if filed electronically, will automatically be served on registered part of the other party is exempt from This document, if filed electronically, will automatically be served on registered part of Imailed or gave a copy of this Motion to the other party or the other address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address City Oath and Signature I. , certify under penalty of perior Print your name laws of the State of lowa that I have read this Motion and that the inform this Motion is true and correct. I ask the court to grant this Motion. Signed on:							
If you check B, you must fill in the following information: Name of attorney or organization, if any		An attorney did not	help me prepare	or fill in this par	oer.		
Business address of attorney or organization (-			7. 17			
Attorney's phone no. Attorney's fax no optional Attorney's email of Certification of Service by Mailing or Delivery Section 3 to be completed only if filing in paper or if the other party is exempt from This document, if filed electronically, will automatically be served on registered party. I,		Name of attorney or or	rganization, if any		Attorney's F	IN – Ask	the attorne
Certification of Service by Mailing or Delivery Section 3 to be completed only if filing in paper or if the other party is exempt from This document, if filed electronically, will automatically be served on registered party. In		Business address of att	torney or organization	i City	,	Sta	ite ZIP co
Certification of Service by Mailing or Delivery Section 3 to be completed only if filing in paper or if the other party is exempt from This document, if filed electronically, will automatically be served on registered party. In		()	_ ()				
I mailed or gave a copy of this Motion to the other party or the other address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address City Oath and Signature I,, certify under penalty of period print your name laws of the State of lowa that I have read this Motion and that the information this Motion is true and correct. I ask the court to grant this Motion. Signed on:	l	ocument, if filed electronic	cally, will automatical	lly be served on re	gistered parties.	5	ıg.
I mailed or gave a copy of this Motion to the other party or the other address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address City Oath and Signature I,, certify under penalty of period print your name laws of the State of lowa that I have read this Motion and that the information this Motion is true and correct. I ask the court to grant this Motion. Signed on:	_		, ce	ertify that on		-	, 20
Address: Name of person to whom I delivered or mailed it Party's or attorney's mailing address City Oath and Signature I,, certify under penalty of period print your name laws of the State of lowa that I have read this Motion and that the information this Motion is true and correct. I ask the court to grant this Motion. Signed on:, 20	r	it your name		Mo	onth	Day	Year
I,		's or attorney's mailing ac	ddress	- City		- State	ZIP cod
Print your name laws of the State of lowa that I have read this Motion and that the information this Motion is true and correct. I ask the court to grant this Motion. Signed on:		å 55		g * 3			
Print your name laws of the State of lowa that I have read this Motion and that the information this Motion is true and correct. I ask the court to grant this Motion. Signed on:			, ce	ertify under pena	Ity of perjury	and purs	uant to th
this Motion is true and correct. I ask the court to grant this Motion. Signed on:	r.	it your name				vor.	
Signed on:						n I have	provided
	1	lotion is true and corre	ect. I ask the court	to grant this Mo	tion.		
	(don:	, 20				
Mailing address City		Month	Day Year	Your signature	*		
	,	ng address	City	v	Sta	te Z	IP code
())					
Phone number Email address Additional			Email address	<u></u>	Additional em	ail addres	S – if availabl
	2	number					
Whether filing electronically or in paper, you must handwrite your signature on this form.	e	number					

Rule 17.400—Form 423: Response to a Motion in a Custody and Visitation Case

Use this form if the other parent has filed a Motion (most likely form 422) and you disagree with what the other parent is asking the court to do in that Motion.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the lowa District Court for	County where your case is filed
Upon the Petition of	Equity case no. Response to a Motion in a Custody
Petitioner Full name: first, middle, last	and Visitation Case
Respondent Full name: first, middle, last	
l am Check one A. □ Petitioner B. □ Respondent	
The other party filed a Motion on Month	, 20 Day Year
2. Response Check A or B.A.	
 B. I disagree with the request(s) in the M If you check B, check all of the following that in C why you disagree with the request. (1) Change the hearing date that has 	apply. If you check any box in B, you must tell the court
 (2)	Month Day Year tation. d medical support. and visitation order by default.

 ${\it Rule~17.400--Form~423:} \ {\it Response~to~a~Motion~in~a~Custody~and~Visitation~Case}, continued$

((6)		Order genetic testing to decide paternity and require that Petitioner, Respondent, and child appear for testing.
((7)		Other request Explain
C.	l di	isag	ree with the Motion because:
	_		
	_		
	_		
	-		
	35 <u>—</u>		

Rule 17.400—Form 423: Response to a Motion in a Custody and Visitation Case, continued

3.	Attori Check o	ney Help						
			t help me prer	pare or fill in t	his paper.			
	 A. An attorney did not help me prepare or fill in this paper. B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information: 							
		Name of attorney or of	rganization, if ar	ny	At.	torney's PIN –	Ask the	attorney
		Business address of at	torney or organi	zation	City		State	ZIP code
		Attorney's phone no.	()_ Attorney's fa	r no articual	Attorney's es	mail address a	ptional	
		Autorney's prione no.	Allomey s ju	х но. – орнони	Audiney sei	nan adaress – o	ононш	
4.	Section	ication of Service 3 to be completed only to	if filing in paper	or if the other po	arty is exempt	•	filing.	
	1.			certify that	on		95	20
	', <u> </u>	Print your name		_,,,,,	Month	Do	ry '	Year
	addre	ss: f person to whom I deliv	vered or mailed i	t	-			
	Party's	or attorney's mailing a	ddress	City			tate	ZIP code
5.	Oath	and Signature						
	I,			_, certify und	er penalty o	of perjury and	d purs	uant to the
	laws o	your name f the State of lowa t ed in this Motion is t						⁄e
	Signed	on: Month	Day, 20 Year	Your si	gnature*			
	Mailing	address	*	City		State	ZIP	code
	i	1						
	Phone r	number	Email addr	ess	Addi	tional email ad	dress –	if available
*		filing electronically or in form after signing it and t			nature on this f	form. If you are f	ìling ele	ctronically,
CONTRACTOR OF	arter and American							

Rule 17.400—Form 424: Custody and Visitation Financial Statement

*How often is income paid?

Caution: This form may require you to provide protected or sensitive information.

Each party must complete one of these forms.

- [4] If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure (form 411) if you have not already done so.
- If filing in paper, you may use form 411 to provide any protected information in full if you have not already done so.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for_	County where the case is filed
Upon the Petition of	Equity case no.
Petitioner first, middle, last Full name of Petitioner and concerning Respondent first, middle, last Full name of Respondent	Custody and Visitation Financial Statement of Check one Petitioner Respondent
I am Check one A. □ Petitioner B. □ Respondent I, Print your name of my assets, debts, and present ince	state that this is a true and complete statement ome as of theday of, 20 Day Month Year

A. Current income from employment	Gross i	ncome	Net income		
and other sources Sources of income, not required to list name of employer	How often?* W,B,M,T	Gross amount Before taxes	How often?* W,B,M,T	Net amount After taxes	
(1) Wages from employer					
Job:		\$		\$	
Title:					
(2) Wages from employer					
Job:		\$		\$	
Title:					
(3) Other income		_		_	
Describe source:		\$		\$	

Rule 17.400—Form 424: Custody and Visitation Financial Statement, continued

Total income for you from employment and other sources	Total gross income	\$ Total net income	\$
(5) Other income Describe source:		\$	\$
(4) Other income Describe source:		\$	\$

B. Deductions allowed for child support calculations		
Tax status		
I have custody of the children in this case Check Yes or No	☐ Ye	s 🗌 No
(1) Number of exemptions Yourself Guidelines allow one exemption for parent	1	
Children		
(2) Income tax withheld Federal		\$
State		\$
(3) FICA Social Security & Medicare		\$
(4) Mandatory pension contribution		\$
(5) Mandatory occupational license fees		\$
(6) Union dues		\$
(7) Prior court-ordered child support Paid to:		\$
Paid to:		\$
Paid to:	,	\$
(8) Prior court-ordered medical support Paid to:		\$
Paid to:		\$
Paid to:		\$
(9) Prior court-ordered spousal support (alimony) Paid to:		\$
(10) Actual child care expenses due to employment custodial parent	t only	\$
Total deductions		\$

Check this box if you have attached a sheet with additional information on your income and deductions.

Rule 17.400-Form 424: Custody and Visitation Financial Statement, continued

2.	So	cia	I S	ecurity Disability (SSD):					
	Α.	SS	D I	D benefits paid to you						
		(1)	Ar	nount paid for your expen	ses		\$		p	er month
		(2)	Ве	nefit paid for each child in	your hon	ne	\$		p	er month
			a.	Number of children recei	ving bene	efits		children		
			b.	List the children in your h	nome who	receive S	SSD bene	fits Use i	nitials only	,
			ij.		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
				First, middle, & last initials						
				Birth year						
	B.	(1) (2)	Be Nu Lis	Check this box if you have and receive Social Securits paid to other person changing paid for each child in the children who receives the children who receives	ity Disability ildren are other per g benefits	y (SSD). living with	ne \$	chi	pe Idren	er month
			Us	e initials only:						
			1		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
				First, middle, & last initials						
				Birth year						
Check this box if you have attached a sheet listing additional children who live in your hom and receive Social Security Disability (SSD).									our home	

4.

Rule 17.400-Form 424: Custody and Visitation Financial Statement, continued

3. Qualified Additional Dependent Deduction

- List the initials and birth year of each child you are the legal parent of.
- Do not include any children covered by the child support order involved in this case.

-		Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)			
	First, middle, & last initials	5 % - 5 % 5								
	Birth year									
	Check this box if you have attached a sheet listing additional children for the qualified additional dependent deduction.									
. Extraordi	nary Visitation For none	custodial pa	rent only							
If t	(1) Number of court-ordered overnights in a year If this number exceeds 127 days per year, provide a copy of the court order containing the visitation provisions.									
	(2) Physical care Check one									
a.	a. The court ordered equally shared physical care for the children.									
	If the court ordered equally shared physical care for the children, the extraordinary visitation credit does not apply.						y			
b.										

Rule 17.400—Form 424: Custody and Visitation Financial Statement, continued

5. My expenses

List your living expenses

*How often paid?: $W = Weekly \ B = Bi$ -weekly (every other week) M = Monthly T = Two times a month A = Annually

Type of expense	Paid to	How often paid?* W,B,M,T,A	Monthly payment
(1) House payment or rent			\$
(2) Food At home & restaurants			\$
(3) Transportation (gas, bus fare) Not car loan payments – see (12).			\$
(4) Clothing			\$
(5) Medical, dental Not health insurance payments – see (10).			\$
(6) Utilities (gas, electric)			\$
(7) Phone			\$
(8) Cable / satellite television / internet			\$
(9) Car insurance payment			\$
(10) Health insurance payment			\$
(11) Credit card payments			\$
(12) Car loan payments			\$
(13) Other loan payments			\$
(14) Other expense Identify:			\$
(15) Other expense Identify:			\$
(16) Other expense Identify:			\$
(17) Totals from attached sheets, if any Check this box if you have attached a she	et with additional information on	your expenses.	\$
Total expenses			\$

Rule 17.400-Form 424: Custody and Visitation Financial Statement, continued

6. My debts Debts may include things such as past due balances on utilities, money owed to a landlord for damages after moving, credit card debt, and loans from friends, family, or banks.

*How often paid? W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month A = Annually

Payable to	Item or service	Amount	How often paid?* W,B,M,T,A	Balance due
Α.				\$
В.				\$
C.				\$
D.				\$
E. Totals from attached sheets, if any Check this box if you have attached a stacked as the total.	\$			
Total debts	\$			

7. The other parent's income

- List the other parent's information to the best of your ability.
- This information will not be used to determine child support obligations.

*How often is income received?

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

A. Current income from employment and	Gross i	ncome	Net income		
other sources Sources of income, not required to list name of employer	How often?* W,B,M,T	Gross amount Before taxes	How often?* W,B,M,T	Net amount After taxes	
(1) Wages from employer Job:		\$		\$	
Title:				_	
(2) Wages from employer Job: Title:		\$		\$	
(3) Other income Describe source:		\$		\$	
(4) Other income Describe source:		\$		\$	
Total income for other parent from employment and other sources	Total gross income	\$	Total net income	\$	

Rule 17.400—Form 424: Custody and Visitation Financial Statement, continued

8.	Atto Check	rney Help								
	A .□		did not be	lp me prepare	or fill in this	naner				
	B. An attorney helped me prepare or fill in this paper. If you check B, you must fill in the following information:									
		Name of attorne	y or organization, if any			Attorney's PIN – Ask the Attorne				
		Business address			City		State	ZIP code		
9.		Attorney's phone	rvice by		ivery					
		This document, if fi								
	١,	Print your name		, certif	y that on	Day	,	20 Year		
	2	of person to whom 's or attorney's mai		r mailed it	City		State	ZIP code		
10.	Oath	n and Signatui	e							
	to th	your name ne laws of the S rmation I have nt this Motion.		wa that I have	read this Mo		the			
	Signe	d on:	Day	, 20 <u> </u>	Your signature*	5				
		10101111	Duy	1647	our signature					
	Mailir	ng address		City		State	ZIP	code		
	(Phone	number	\overline{E}	mail address		Additional email ac	ddress –	if available		
*		er filing electronically onically, scan the form				his form. If you are	filing			
Augus	st 2019			Rule 17.400—For	m 424			Page 7 of 7		

Rule 17.400—Form 425: Affidavit of Mailing Notice

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

		In the Iowa District Court for	County where the Case is	County		
Upon the Petition of		e Petition of	Equity case no.			
70-077	titione name of P	etitioner as it is in the original case	Affidavit o	of Mailing Not	ice	
an	d conce	erning				
	spone name of R	lent espondent as it is on the Application				
1.	Check	C MAC Made SWINGER DV	eu			
	A.	An attorney did not help me prepare or fill in this paper.				
	В. 📙	An attorney helped me prepare or fill If you check B, you must fill in the following it	and the same of th			
		Name of attorney or organization, if any	Attorney	Attorney's PIN – Ask the attorney		
		Business address of attorney or organization	City	State	ZIP code	
		()	10. – optional Attorney's	email address – op	tional	

Important Notice

A party **must** file this Affidavit with the clerk of court if he or she asks the court for a default Order for Custody and Visitation. The party **must** also complete the oath and signature section on the next page.

Oath and Signature on next page

2.

Rule 17.400-Form 425: Affidavit of Mailing Notice, continued

Oath and Signature				
l _r	_ , certify under penal	ty of perjury a	nd pur	suant to the
Print your name				
laws of the State of lowa that on the $\overline{\underline{L}}$	day of Day Month	, 20, ,	Isent	by ordinary
mail with proper postage, the following		7.7.33		
Check one	The control of the second			
☐ Notice of Intent to File a Written Ap	plication for Default Ord	der for Custody	and Vis	sitation or
The second secon	TOTAL CONTROL TO THE CONTROL TH			
Other document (describe):				
to the other party's last-known address	s below.			
Other party's street address	City		State	ZIP code
Signed on:, 20				
Month Day Year	Applicant's signatur	e*		
Mailing address	City		State	ZIP code
()				
Phone number Email address	2	Additional emai	l address	– if available

^{*} Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.400—Form 426: Notice of Intent to File Written Application for Default Decree

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa Distric	t Court for		County	
	C	ounty where your case	is filed	
Upon the Petition of		Equity case no.		-:44
Petitioner Full name of Petitioner as it is in the original case	:		Intent to File W on for Default Do	
and concerning				
Respondent Full name of Respondent as it is on the Petition				
To party receiving this Notic	e:			
First name	Middle name	Last	name	<u> </u>
Date of Notice:	. 2	20		
Month	\overline{Day} ,	20 Year		
Handwritten signature of party filing this or attorney if filing in paper The person who provided the signature a		or attorney if filin	ure of party filing this g electronically	s Notice
Present street address (If attorney,)	firm address)	City	State	ZIP code
() Phone number	Email addr	ess		
Instructions for party filing this N	otice			
Filing your Notice electron	ically			
EDMS will automatically serve filing requirements.	the party receiving	g this Notice unless tha	at party is exempt from	n electronic
Filing your Notice in paper	(if you have rece	ived permission from t	ne court to file in pape	er)
 Deliver a copy of this form Complete form 425 and file File the original of this form Keep a copy for your record 	the original at the (426) at the clerk	clerk of court's office.	or in person.	
August 2019	Rule 17.400	—Form 426		Page 1 of 1

Rule 17.400—Form 427: Request for Relief in a Dissolution of Marriage with Children

Use this form only if you have filed a Petition for Custody and Visitation (form 401) and:

- · The other parent (Respondent) did not file an Answer, or
- The other parent will not work with you to prepare a Settlement Agreement (form 428).

Caution: This form may require you to provide protected or sensitive information.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (411) if you have not already done so.
- If filing in paper, you may use form 411 to provide any protected information in full if you have not already done so.

In the Iowa District Cou	Cou	inty			
Upon the Petition of	Equity case no.	5.			
Petitioner Full name: first, middle, last and concerning Respondent Full name: first, middle, last	Custody au Check one □ Petitione	Petitioner			
Personal Information Fill in all information			y the other		
parent and you fear for your safety, you may leave I am	your address, phone number	r, and email blank.			
	your address, phone number	r, and email blank.			
l am	your address, phone number	r, and email blank.			
l am Check A or B and fill in C and D.	your address, phone number	r, and email blank.			
I am Check A or B and fill in C and D. A. □ Petitioner		r, and email blank.			
I am Check A or B and fill in C and D. A. □ Petitioner B. □ Respondent	idence:	r, and email blank.	ZIP code		
I am Check A or B and fill in C and D. A. □ Petitioner B. □ Respondent C. Petitioner's birth year and present res Petitioner's present street address (□)	idence: Birth year City		ZIP code		
I am Check A or B and fill in C and D. A. □ Petitioner B. □ Respondent C. Petitioner's birth year and present res	idence: Birth year City Email address		ZIP code		

Rule 17.400—Form 427: Request for Relief in a Dissolution of Marriage with Children, continued

2.	Re	equ	est	for Relief				
	A.	Ch	ildre	n Check all that are true				
		(1)		Petitioner and Responder Parenting Plan (form 429 Relief.				
		(2)		Petitioner and Respond I filed a Proposed Parer with the Request for Relief.				
		(3)			nt agree that the	y	are the parents of the folk	wing children.
				First, middle, & last initials of each child	Birth year		First, middle, & last initials of each child	Birth year
				(1)			(4)	
				(2)			(5)	
				(3)			(6)	
				☐ Check this box if you are	e attaching a sepai	at	e sheet listing additional chi	ldren.
		(4)		Petitioner and Respond	ent do not agre	e	that they are the paren	ts of the following
				children. Check this box if there is a d	isagreement abou	t n	ho the parents of the childre	n are.
						1	2009 - 20	
				First, middle, & last initials of each child	Birth year		First, middle, & last initials of each child	Birth year
				(1)			(4)	
				(2)			(5)	
				(3)			(6)	
				Check this box if you are	e attachino a sena	rat	e sheet listing additional chi	ldren
				Explain who are the pa				ou on
					Marchine Ma Jill Mindel		5 Oct 1990	To the second se
		(5)		Petitioner has taken the				7/3
		(6)	Ц	Respondent has taken t	the children in t	he	middle course. Attach o	ertificate
	В.	78795	_	ial affidavits Check one	1. 22 28 38			
		(1)	Ш	I filed a Financial Affidation				sclosed all
		(2)		I am asking that the cou	ırt not require m	ne	to file a Financial Affida	vit because:
								
				-				<u>.</u>
ıgust	201	9		<u>, </u>	Rule 17.400—Form 4	27	9	Page 2 of 6

Rule 17.400—Form 427: Request for Relief in a Dissolution of Marriage with Children, continued

(1)	Petitioner will pay child s	upport to Respo	ondent in the amount of \$	per mo
(2)	Petitioner will pay child s	upport to a third	I party in the amount of \$_	per mo
	Third party's full name: first,	middle, last		
	Present street address		City	State ZIP code
	County	 };		
(3)	Respondent will pay chil	d support to Pe	titioner in the amount of \$	per mo
(4)	Respondent will pay chil	d support to a th	nird party in the amount of	f \$ per mo
		98284 12 N		
	Third party's full name: first,	middle, last		
	Present street address		City	State ZIP code
	County			
(5)		075.6	heday of	, 20
	for the following childre	n:	Month	Ye
	First, middle, & last initials of each child	Birth year	First, middle, & last initials of each child	Birth year
	(1)		(4)	
			(4)	
	(1)		CO ANGEL	

Rule 17.400—Form 427: Request for Relief in a Dissolution of Marriage with Children, continued

E. Tax exemption

	(1) I ask the	e court	t to set the tax de	duction as follows:	Check o	ne for eac	ch child
	First, m last init each	tials of		Parent who should now claim child for tax deduction	Every Year	Even Years	Odd Years
	(1)						
	(2)						
	(3)						
	(4)						
	(5)						
	(6)						
	☐ Chec	k this b	ox if you are attachir	ng a separate sheet listing additional c	hildren.		
	(2) The dec	luctior	n will start in tax y				
				Year			
				st sign IRS Form 8332 before the no vailable from the IRS website: http://nxxxx			can
	The earn	ed inco	ome tax credit is not	the same as the tax exemption.			
_	Health care	ovnoi	200				
Fi		0.00		e expenses as follows: Check a	ll that an	alv	
	Petitioner Re			o expenses de renene.	n mar app	, . y	
	(1)			lical support (health insurance).			
	(2)		will pay the first	\$of	uncover	ed	
			medical expense	es for the children. After that ar medical expenses will be paid	nount is	spent,	
				Petitioner and% by	Respon	dent	
	(3)			edical support in the amount of			month.
	9950 70 RV		viii pay odoli ili		y		111011411
G.	Court fees Check one						
	l ask that						
		tioner	pay all court fees	t.			
	8 6		nt pay all court fe				
			4. 453	each pay one-half of the remain	ning cou	rt fees	
	18 CT			each pay one-half of the total c			
				market best stated better to the billion	N MGA 63 T.		

3.

Rule 17.400—Form 427: Request for Relief in a Dissolution of Marriage with Children, continued

H.	Attorney's fees Check one (1) I have no attorney's fees. (2) I will pay my own attorney's fees.
2	(3) ask that my spouse pay me for attorney's fees.
I.	Necessary documents
	I ask that the court require each of us to sign and deliver to each other any papers that may be needed to carry out the terms of the Custody and Visitation case.
J.	Other request for relief
	☐ Check this box if you have attached a separate sheet listing additional requests for relief.
	atements of Understanding and Fact eck all that apply
A.	☐ I have made a full disclosure of my property and debts to the court.
B.	☐ This request for relief addresses all issues in my Custody and Visitation case.
C.	☐ I want the court to approve this request for relief and make it part of the final order.

Rule 17.400—Form 427: Request for Relief in a Custody and Visitation Case, continued

A. 🗆	An attorney did	i not neip me	prepare or fi	l in this pape	er.			
В. 🗆	An attorney hel If you check B, you			M 21				
	Name of attorney	or organization	n, if any		Attorney's l	PIN – As	sk the	Attorne
	Business address o	of attorney or o	rganization	City		$\frac{1}{s}$	tate	ZIP co
	() Attorney's phone	no. Attorne) ey's fax no. – opti	onal Attorney	's email addr	ess – optic	onal	
	int your name					1991		20 Year
I maile addre	ed or gave a cop	y of this Mot	ion to the oth			1991		Year y at thi
I maile addre	ed or gave a copss: of person to whom I or attorney's mailing	y of this Mot delivered or ma	ion to the oth	er party or th		ty's atto		Year
I maik addre	ed or gave a copss: If person to whom I of or attorney's mailing and Signature	y of this Mot delivered or ma	ion to the oth	er party or th	ne other par	rty's atte	te	Year y at thi
Name of Party's Oath I, Print y to the	ed or gave a copss: If person to whom I of or attorney's mailing and Signature our name laws of the State ded in this Motion	oy of this Mot delivered or ma ng address e of lowa tha	ion to the oth	City under pena	lty of perjur and that the	ry and per einform	<i>te</i> oursu	Year Year Year Year Year Year
Name of Party's Oath I, Print y to the provice Signed	ed or gave a copss: If person to whom I do or attorney's mailing and Signature our name laws of the State led in this Motion on:	e of lowa than is true and	ion to the oth	City under pena	lty of perjur and that the	ry and pe inform	<i>te</i> oursu	Year y at thi ZIP coo
Name of Party's Oath I, Print y to the provice Signed Mailing	ed or gave a copss: of person to whom I of or attorney's mailing and Signature our name laws of the State led in this Motion on: Month	e of lowa than is true and	, certify tiled it tiled it tiled it Tear Tiled City	City under pena this Motion the court to	lty of perjui and that the grant this	ry and pe inform Motion.	oursu natio	Year Year y at thi ZIP coo
Name of Party's Oath I,	ed or gave a copss: of person to whom I of or attorney's mailing and Signature our name laws of the State led in this Motion on: Month	e of lowa than is true and	, certify to I have read correct. I asi	City under pena this Motion the court to	lty of perjur	ry and pe inform Motion.	oursu natio	Year Year y at thi ZIP coo

Use this form only if you and the other parent both agree to the terms of a Settlement Agreement.

Caution: This form may require you to provide protected or sensitive information.

- 星 If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (411) if you have not already done so.
- If filing in paper, you may use form 411 to provide any protected information in full.

in the lower plants	Court for Co	r County County where your case is filed			
Jpon the Petition of		Equity case no			
Petitioner Full name: first, middle, last		Settlement Agreement for Custody and Visitation			
nd concerning					
Respondent Full name: first, middle, las	w/				
A. Petitioner's birth year and p		Birth year City	State	ZIP code	
				ZII COUC	
County (_) hone number	Email address			
County Pi B. Respondent's birth year Respondent's present street	and present			ZIP code	
B. Respondent's birth year Respondent's present street	and present	residence: Birth year	State	Control Control	

2.	Ag	ree	me	nts						
	We	ag	ree	to the following	:					
	A.	Ch	ildre	en Check all that	are true					
		(1)		We agree to the	custody and	visitation set	out in the Agr	eed Parentin	g Plan (form	429).
		(2) We do not agree about custody and visitation. We each filed a Proposed Parenting Plan (430). A parenting plan, either form 429 or form 430, must be provided to the court with the Settlement Agreement.								
		(3)		We agree that w Note: If you do no form 427.	t agree regard	ing who are th	e legal parents	of the children		an Vocation communi
Г	Eiret	mi	4410	, & last initials	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)
		2		, & last lilitials						
Ľ	3irth	yea			Y1 60 1160					
			C	heck this box if you	ı have attache	d a separate s	heet listing ad	lditional childi	ren.	
		(4)		Petitioner has ta	aken the child	dren in the m	iddle course.	Attach certij	ficate	
		(5)		Respondent has	s taken the c	hildren in the	middle cour	se. Attach ce	rtificate	
	B.	Fin	and	ial affidavits C	heck one					
		(1)		Petitioner or Re	spondent ha	s filed a Fina	ıncial Affidavi	it (424).		
				If you check (1),	check each the	at is applicabl	e.			
				Activity is not included and			ffidavit. Petit			
				A 100 TO 100			e identity and		300 Table 100 100 100 100 100 100 100 100 100 10	
							I Affidavit. Red d the identity			
		(2)		We are asking t	hat the court	not require	us to file Fina	ıncial Affidav	its because:	
				0						
				·						

C.	Note:	The a	pport Check a amount of child su vice provides a ch	ipport is determi	ned using the lo				ment of			
	(1)	l	Petitioner will pay child support to Respondent in the amount of \$ per month.									
	(2)		Petitioner will pay child support to a third party in the amount of \$ per month.									
			Third party's fu	ll name: first, n	niddle, last							
			Present street o	ıddress			ity	State	ZIP code			
			County									
	(3)	ĺ	Respondent w month.	ill pay child s	upport to Peti	tioner in the a	mount of \$		_ per			
	(4)	l	Respondent w month.	ill pay child s	upport to a th	nird party in th	ne amount of	\$	_ per			
			Third party's fu	ll name: first, n	niddle, last		÷					
			Present street o	ıddress		C	ity	State	ZIP code			
			County									
	(5)		Child support for the followi		ill begin on th	neday of	Month	, 20	Year,			
			TOT THE TOHOW	Child (1)	Child (2)	Child (3)	Child (4)	Child (5)	Child (6)			
First	, middl	e, 8	last Initials									
Birth	year											
		C	heck this box if	you have attac	ched a separai	te sheet listing	additional ch	ildren.				
	(6)		heck here if you			_						
		a	Amount rec	uested:\$	per	month						
		b.	Child suppo	ort should be	different fror	n the Guideli	nes amount l	because:				
			£.									
			13									
			8									
				Ca	ontinued on	next page						

_	-			
D. '	av	AYA	mr	tion
D .	IUA	CAU	1111	

(1) We ask the court to set the tax deduction as: Check one for each child

	Chil		t, middle, & st initials	Birth year	Parent who should now claim child for tax deduction	Every year	Even years	Odd year
	(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	Tax fo	rms are avai	ilable from the IR e tax credit is not will start in ta:	S website: http:// the same as the	e tax exemption.		o doddollo	****
E.	Health c	are expe	nses					
	We ask			ealth care e	xpenses as follows: Check a	ll that app	ply	
	(1)		will provide	medical supp	port (health insurance).			
	(2)		the children. will be paid	After that a	mount is spent, then uncovere	d medica	expense al expens	s for ses
	(3)				ner and% by Resp pport in the amount of \$		ner ma	onth
F.	Court fee Check one We ask (1)	es that Petitioner v Responder	will pay all cou nt will pay all d and Responde	urt fees. court fees. ent will each	pay one-half of the remaining of pay one-half of the total court f	court fees		onu.

G.	Attorney's fees	
	(1) Petitioner's attorney's fees	
	Check one	
	a. Petitioner has no attorney's fees.	
	b. Petitioner will pay Petitioner's attorney's fees.	
	c. Respondent will pay \$ for Petitioner's attorney's fees.	
	(2) Respondent's attorney's fees	
	Check one	
	a. Respondent has no attorney's fees.	
	b. Respondent will pay Respondent's attorney's fees.	
	c. Petitioner will pay \$ for Respondent's attorney's feet	S.
202		
Н.	Necessary documents	.:_
	We will sign and promptly deliver to each other any papers that may be needed to carry out the Settlement Agreement.	IIS
L.	Other agreements	
	Attach additional sheets if necessary.	
	·	
	T	
	<u></u>	
	:	
	F	
	<u>, </u>	
	•	
	·-	
	•	
	3	

C		Attorney Help Check all that apply									
	A.	Petitioner									
		(1) An attorney did not help me prepare or fill in this paper.									
		(2)	An attorney helped m	ne prepare or fill ir	this paper.						
		* / ==	If you check (2), you m	V	25%	1 :					
		Na	me of attorney or organi	zation, if any		Attorney's	PIN – Ask th	e attorney			
		\overline{Bu}	siness address of attorne	y or organization		City	Sta	te ZIP code			
		(_	torney's phone number Attorney's fax no					E			
		Att	orney's phone number	Attorney's fax no	0. – optional A	lttorney's en	nail address -	- optional			
		(3)	A mediator,			who	, who is an attorney, helped me				
		,	Name of mediator								
			prepare or fill in this p	paper, but did not	represent me	as a party					
	В	Respondent									
			An attorney did not h	elp me prepare or	fill in this pap	oer.					
		(2)	An attorney helped m If you check (2), you m			1 :					
		Na	me of attorney or organi	zation, if any	Attorney's P	IN – Ask the	attorney				
		\overline{Bu}	siness address of attorne	v or organization	City		State	ZIP code			
		(\ \	, , , , , , , , , , , , , , , , , , , ,	any .		21410	221 0000			
		Att	orney's phone number	Attorney's fa	x number – optio	onal Atto	rney's email	address – optional			
		(3)	A mediator,			, who	is an attorn	ney, helped me			
			Name of n	nediator							
			prepare or fill in this p	paper, but did not	represent me	as a party					

4. Oaths and Signatures

This Settlement Agreement addresses all issues in our Custody and Visitation case. We want the court to approve this Agreement and make it a part of the final order.

I would like the right to talk to a	court to address	s the issues in t this Agreem	s Settlement Agreement an n my custody and visitation ent. I am voluntarily signin esented to a judge for appro-	case. I know I have the g this Agreement. I am
Month	Day	_, 20_ <u></u>	Petitioner's signature*	
Mailing address			City	State ZIP code
	 Email a	ddress	Addition	al email address – if available
electronically, sc	an the form after	signing it and i	st handwrite your signature o then file electronically.	n this form. If you are filing
Whether filing ele electronically, so Respondent's I, Print your name laws of the State I would like the right to talk to a asking that this	Oath and Sign e e of lowa that I is court to address a attorney about	nature, cell have read this is the issues in this Agreem		y and pursuant to the d it accurately states how case. I know I have the g this Agreement. I am
Whether filing ele electronically, sco Respondent's I, Print your name laws of the State I would like the right to talk to a	Oath and Sign e e of lowa that I is court to address a attorney about	nature, cel nave read this is the issues in this Agreement be pre-	then file electronically. It if y under penalty of perjures Settlement Agreement and my custody and visitation ent. I am voluntarily signin	y and pursuant to the d it accurately states how case. I know I have the g this Agreement. I am oval and filing with the
Whether filing electronically, social Respondent's I, Print your name laws of the State I would like the right to talk to a asking that this court.	Oath and Sign e e of lowa that I I court to address n attorney about Settlement Agre	nature, cell have read this is the issues in this Agreem	then file electronically. It if y under penalty of perjures Settlement Agreement and many custody and visitation ent. I am voluntarily signing esented to a judge for appropriate the second of the s	y and pursuant to the d it accurately states how case. I know I have the g this Agreement. I am oval and filing with the

Rule 17.400—Form 429: Agreed Parenting Plan

Use this form if both parents agree to everything in the plan regarding child custody and visitation.

Do not use this form if you and the other parent do not agree to all child custody and visitation arrangements. Instead, use form 430 to present a Proposed Parenting Plan to the court for the child custody and visitation arrangements you want.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

lı	In the lowa District Court for County w					are filing this Parenting Pla	_ County
Upon	Jpon the Petition of				Equi	ty case no.	
Petitio	oner F	ull name: first, middle, last		 %		Agreed Parentin	g Pian
and co	ncernin	g					
Respo	Respondent Full name: first, middle, last						
A.	The pa	on for the Court arties agree to this on List all children bo	s plan.	ed by, c	or whos	e legal parents are Petitioner	and Respondent.
	Child	First, middle, & last initials	Present age	Ger M	nder F	School	Grade
	(1)						
	(2)						
	(3)						
	(4)						
	(5)						
	(6)						
C.	Informa Check a. (1)	are Petitioner and R One or more of the o	dren B are the espondent	only c	hildren	ditional children. born to, adopted by or where the court case. If you check (2), if custody and visitation.	

2. Plan

A. Read these definitions of legal custody and physical care:

- (1) Legal custody means a parent has legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
- (2) **Joint legal custody** means both parents have equal legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
- (3) Physical care means providing the main home for the child and taking care of the child.
- (4) **Joint physical care** means both parents have equal rights and responsibilities for providing the main home for the child and taking care of the child.

	the main nome for the child and taking care of the child.
B.	Legal custody should be Check one
	(1) Joint legal custody to both parents
	(2) To Petitioner
	(3) To Respondent
	(4) To other person
	Full name of other person: first, middle, last
C.	Physical care should be
	Check one
	(1) To Petitioner If you check (1), use D for Respondent's visitation.
	(2) To Respondent If you check (2), use D for Petitioner's visitation.
	(3) Joint physical care to both parents If you check (3), use E to explain the joint physical care schedule.
	(4) To other person
	Full name of other person: first, middle, last
D.	Regular Visitation Schedule
	Use D only if one parent will have physical care. This is the schedule for the other parent to see the children.
	(1) Visitation for
	Check one
	a. Petitioner
	b. Respondent

	(2)			b, or c.
		a.	320	Visitation should not be allowed because:
		b.		Visitation should be supervised because:
				The supervisor for visitation should be
		C.		Regular unsupervised visitation schedule as the parents agree: ck all that apply
			i. ii.	Reasonable visitation as the parents agree. Mid-week visitation on these days: M Tu W Th F
			iii.	□ Every weekend □ a.m. □ a.m. Fromat□ p.m. toat□ p.m. Day of week Time □ a.m. □ a.m. □ p.m. toat□ p.m.
			iv.	□ Every other weekend □ a.m. □ a.m. From at □ p.m. to at □ p.m. Day of week Time □ p.m.
			٧.	Other Describe
			Vİ.	Visitation will start on
E.		- 50	1072	cal care plan
		Но	w Pe	both Petitioner and Respondent will have joint physical care titioner and Respondent will make decisions about the children: For example, decisions ol, medical care, religion, and other decisions parents make for their children.
		-		

(2)	How the children's time will be divided between Petitioner and Respondent: Also use section F for holidays, school breaks, birthdays, and other issues.							
(3)	How the children's expenses will be paid: For example, expenses such as clothes, activities, and school fees.							
(4)	How Petitioner and Respondent will deal with major changes or disagreements about the children (including changes due to the children's age and development):							
	5							
(5)	Other issues:							
	·							

F. Other Custody and Visitation Considerations

All parents should complete section F regardless of physical care plan.

(1) Detailed holiday schedule

This schedule tells on which holidays the children will be with either Petitioner or Respondent.

Note: You do not have to fill in everything. Any day that is left blank means the children will spend that day with the parent who already has the children on that day.

P = PetitionerR=Respondent Every year Even years Odd years Holiday Time P P P R R □ a.m. New Year's Eve : □ p.m. □ a.m. New Year's Day □ p.m. □ a.m. Martin Luther King, Jr. Day □ p.m. □ a.m. President's Day : □ p.m. □ a.m. Memorial Day : □ p.m. □ a.m. Independence Day July 4th : □ p.m. □ a.m. : Labor Day □ p.m. □ a.m. Veterans' Day November 11th : □ p.m. □ a.m. Thanksgiving Day : □ p.m. □ a.m. : Christmas Eve □ p.m. □ a.m. Christmas Day : □ p.m. □ a.m. Mother's Day : □ p.m. □ a.m. Father's Day : □ p.m. □ a.m. Petitioner's Birthday : □ p.m. □ a.m. Respondent's Birthday : □ p.m. □ a.m. Halloween October 31st i □ p.m. Other: Describe □ a.m. □ p.m. Other: Describe □ a.m. : □ p.m.

(2)	Special rules for holidays Check one						
	a.		If a holiday falls on a Friday or a Monday, the parent with the holiday will have the whole weekend.				
	b.		If a holiday falls on a Monday or a Friday, the alternating weekend schedule in 2.D(2)c.iv. will continue. This means the parent who has the children on the holiday weekend may have the children two weekends in a row.				
	C.		The parents will cooperate and rearrange the alternate weekend schedule so that neither parent will have the children more weekends in a row without contact with the other parent.				
	d.		Other Explain				
(3)	Su	mm	er				
(-)		eck o					
	a.		Summer school vacation will be divided as Petitioner and Respondent agree.				
	b.		Petitioner and Respondent will each have one-half of the summer school vacation with alternate weekends to the other parent. The children will be returned to the parent with physical care at least one week before school starts. If a joint physical care arrangement exists, the parents will return to that joint physical care arrangement at least one week before school starts.				
	C.		The parent without physical care will have two weeks of uninterrupted summer visitation with the children and the parent with physical care will have two weeks of uninterrupted summer visitation with the children. During the rest of the summer the weekly visitation schedule should be followed.				
	d.		The joint physical care arrangement will continue unchanged.				
	e.		Other Explain				
(4)		nter eck o	school holiday				
	a.		Winter school holidays will be divided as Petitioner and Respondent agree.				
	b.		Petitioner and Respondent will each have one-half of the winter school holiday and alternate the first and second half each year.				
	C.		Other Explain				

(5)	Sp	ring	school break					
	Che	eck a	ll that apply.					
	a.		Spring school break will be divided as Petitioner and Respondent agree.					
	b.		Spring school break will be alternated every other year between Petitioner and Respondent.					
	C.		Petitioner and Respondent will each have one-half of each spring school break.					
	d.		Other Explain					
(C)	TL		ildua ula himbada ya					
(6)		e cr eck o	nildren's birthdays					
	a.		Petitioner and Respondent will have contact with the children on their birthdays as the parents may agree.					
	b.		A child's birthday will be spent with the parent who has the child on that day.					
	C.		Each child's birthday will be alternated from year to year between Petitioner and Respondent.					
	d.		Petitioner and Respondent will each have no less than two hours of personal contact with the child on the child's birthday.					
	e.		Other Explain					
(7)	Pi	ick L	up and drop off					
(-)			ck all that apply					
	a.		The parents will agree about pick up and drop off for each visit.					
	b.		The parent starting that parent's time with the children will pick up the children at the other parent's residence.					
	C.		Only certain people can help the parents with transportation. If persons other than Petitioner and Respondent will help them provide transportation of the children, only the following persons are permitted to help:					
	d.		Other arrangements for visitation For example, Petitioner and Respondent will meet					
			at a location between their residences. Explain					

(8)			rent without the children may contact the children by Il that apply
	a.		Calling the children
		Che	ck one
		i.	☐ At reasonable hours
		ii.	□ a.m. □ a.m. □ a.m. □ p.m.
			Phone number ()
	b.		Emailing the children at this address:
			Email where children can be contacted
	C.		Other Explain
(9)			es to the schedule
	Che	eck a	ll that apply
	a.		The parties may agree to additional visitation or changes to the schedule.
	b.		If one parent fails to arrive at the appointed time, then the other parent will wait for at least
			minutes before cancelling the visit.
	C.		No changes allowed except by a court order.
	d.		Other Explain
(10)	Re	solv	ing disagreements
	Che	eck o	ne
	Bef	fore	going to court to resolve disagreements, Petitioner and Respondent will
	a.		Ask the following person to help them resolve disagreements:
			()
			Name Relationship to parties Phone number
			Dungant atmost a January City, Charles TID - 1
	L.		Present street address City State ZIP code
	b.	Ш	Go to mediation. Do not check if mediation will not work because of domestic violence or an injunction.

3. Attorney Help

ZIP code

___, who is an attorney, helped me

Attorney's PIN - Ask the attorney

Rule 17.400-Form 429: Agreed Parenting Plan, continued

Check all that apply		
A. Petitioner		
(1) An attorney did not help r	ne prepare or fill in this paper.	
(2) An attorney helped me pr	repare or fill in this paper.	
If you check (2), you must fi	ll in the following information:	
Name of attorney or organizatio	n, if any Attorney's	s PIN – Ask the attorney
Business address of attorney or	organization City	State ZIP o
() (ttorney's fax no. – optional Attorney's e	mail address – optional

prepare or fill in this paper, but did not represent me as a party.

B. Respondent

(3) A mediator, _

(1) An attorney did not help me prepare or fill in this paper.

Name of mediator

(2) An attorney helped me prepare or fill in this paper. If you check (2), you must fill in the following information:

Name of attorney or organization, if any

Business address of attorney or organization	City	State	ZIP code
()	otional Attorney's en	nail address – op	tional
A mediator,	, who	is an attorney	, helped me
Name of mediator			
prepare or fill in this paper, but did not repre	esent me as a party.		

4. Oaths and Signatures

This Agreed Parenting Plan addresses all custody and visitation issues in our custody and visitation case. We want the court to approve this Agreed Parenting Plan and make it a part of the final order.

	Petitioner's Oath	and Olginal	uio		
	1,		, cer	tify under penalty of perjury	and pursuant to the
	laws of the State of ask the court to ac			s Agreed Parenting Plan, and Plan.	d I agree with the Plan. I
	16-4	_ _	_, 20	Petitioner's signature*	
	Month	Day	Tear	Pennoner's signature*	
	Mailing address			City	State ZIP code
	()				
	() Phone number	Email a	uddress	Additional	email address – if available
R		\$ (\$)	signing it and t	then file electronically.	this form. If you are filing
В.	Respondent's Oa	ath and Sigr	signing it and t	then file electronically.	
В.	Respondent's Oa	ath and Sign	signing it and the nature, cer	then file electronically.	and pursuant to the
B.	Respondent's Oa	ath and Sigr 's name of lowa that I	nature, cer have read this	then file electronically. Itify under penalty of perjury Agreed Parenting Plan, and	and pursuant to the
B.	Respondent's Oa I, Print Respondent laws of the State of	ath and Sign 's name of Iowa that I dopt this Agre	nature, cer have read this eed Parenting	then file electronically. Tify under penalty of perjury Agreed Parenting Plan, and Plan.	and pursuant to the
B.	Respondent's Oa I, Print Respondent laws of the State of	ath and Sign 's name of Iowa that I dopt this Agre	nature, cer have read this	then file electronically. Itify under penalty of perjury Agreed Parenting Plan, and	and pursuant to the
B.	Respondent's Oa I, Print Respondent laws of the State of ask the court to account to a	ath and Sign 's name of Iowa that I dopt this Agre	nature, cer have read this eed Parenting	then file electronically. Tify under penalty of perjury Agreed Parenting Plan, and Plan.	and pursuant to the
B.	Respondent's Oa I, Print Respondent laws of the State of ask the court to acommonth Month	ath and Sign 's name of Iowa that I dopt this Agre	nature, cer have read this ed Parenting, 20 Year	tify under penalty of perjury Agreed Parenting Plan, and Plan. Respondent's signature* City	and pursuant to the

* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Rule 17.400—Form 430: Proposed Parenting Plan

Use this form if you and the other parent do not agree to all child custody and visitation arrangements.

Do not use this form if both parents agree to everything in this plan. Instead, use form 429 to tell the court what you both want your plan to be.

I	n the Iowa District (Court for $\frac{1}{C}$	ounty wh	iere yo	u are filing this Parenting P	County
Upon	the Petition of		27	Equ	uity case no	
	oner Full name: first, middle,	last	Tak (Proposed Paren Check one Petitioner Respondent	ting Plan
Resp	ondent Full name: first, m	iddle, last				
am						
Check o	160					
A. B.	☐ Petitioner ☐ Respondent					
	formation for the Co	aurt				
			dopted b	v Petiti	oner and Respondent.	
	First, middle, & last initials of each child	Present age	Gend M	10	School	Grade
	(1)			П		
	(2)					
	(3)					
	(4)					
	(5)					
	(6)					
	☐ Check this box if you	are attaching	a separai	te sheet	ı t listing additional children.	
	Information about the	children				

C.	Specia	Il concerns about the children
	Check a	ll that are true
	(1)	Breastfeeding infant
	(2)	Child with a disability
	(3)	Other Explain
D.	Inform	ation about the parents
	Check a	ll that are true
	(1)	Petitioner receives public assistance, Title XIX, or FIP.
	(2)	Respondent receives public assistance, Title XIX, or FIP.
	(3)	Petitioner plans to move within the next year.
	(4)	Respondent plans to move within the next year.
	(5)	This is the Parenting Plan for before the move.
	(6)	This is the Parenting Plan for after the move.
E.	Specia	Il concerns about the parents
	Check a	ll that are true
	(1)	Petitioner has an alcohol or drug problem.
	(2)	Respondent has an alcohol or drug problem.
	(3)	Petitioner does not have a driver's license.
	(4)	Respondent does not have a driver's license.
	(5)	Petitioner's home environment is not suitable. Explain in 11
	(6)	Respondent's home environment is not suitable. Explain in 11
	(7)	Petitioner is in jail or a mental health institution. Explain in 11
	(8)	Respondent is in jail or a mental health institution. Explain in 11
	(9)	Petitioner is protected under a Domestic Abuse Protective Order. Explain in 11
	(10)	Respondent is protected under a Domestic Abuse Protective Order. Explain in 11
	(11)	Explain:

2. Plan

A. Read these definitions of legal custody and physical care:

- (1) Legal custody means a parent has legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
- (2) Joint legal custody means both parents have equal legal rights and responsibilities for the child. These include making decisions about medical care, education, extracurricular activities, and religious instruction.
- (3) Physical care means providing the main home for the child and taking care of the child.
- (4) Joint physical care means both parents have equal rights and responsibilities for providing the main home for the child and taking care of the child.

	•
B.	Legal custody should be
	Check one
	(1) Joint legal custody to both parents
	(2) To Petitioner
	(3) To Respondent
	(4) To other person
	Full name of other person: first, middle, last
C.	Physical care should be
	Check one
	(1) ☐ To Petitioner If you check (1), use D for Respondent's visitation.
	(2) To Respondent If you check (2), use D for Petitioner's visitation.
	(3) Joint physical care to both parents If you check (3), use E to explain the joint physical care schedule.
	(4) ☐ To other person

D. Regular Visitation Schedule Use D only if one parent will have physical care. This is the visitation schedule for the other parent to see the children. If the parents will have joint physical care, then skip this section and complete section E instead. (1) Visitation for Check one a. Petitioner b. Respondent (2) Visitation permission Check a, b, or c. b. Usitation should be supervised because: The supervisor for visitation should be Supervisor's full name: first, middle last c. Regular unsupervised visitation schedule as the parents agree: Check all that apply Reasonable visitation as the parents agree. ii. Mid-week visitation on these days: From _____ a.m. to ____ p.m. □ a.m. □ a.m. Day of week iv. Every other weekend □ a.m. v. Other Describe

Day

Month

vi. Visitation will start on _

E. Joint physical care plan

 $\textit{Use} \to \textit{only if both Petitioner and Respondent will have joint physical care.}$

If one parent will have physical care with the other having visitation, then skip this section and complete section D instead.

(1)	How Petitioner and Respondent will make decisions about the children: For example, decisions on school, medical care, religion, and other decisions parents make for their children.
(2)	How the children's time will be divided between Petitioner and Respondent: Also use section F for holidays, school breaks, birthdays, and other issues.
(3)	How the children's expenses will be paid: For example, expenses such as clothes, activities, and school fees.
(4)	How Petitioner and Respondent will deal with major changes or disagreements about the children (including changes due to the children's age and development):
(5)	Other issues:

F. Other Custody and Visitation Considerations

All parents should complete section F regardless of physical care plan.

(1) Detailed holiday schedule

Other: Describe

Other: Describe

This schedule tells on which holidays the children will be with either Petitioner or Respondent.

You do not have to fill in everything. Any day that is left blank means the children will spend that day with the parent who already has the children on that day.

P = PetitionerR = RespondentOdd years Every year Even years Holiday Time P P R R a.m. New Year's Eve]p.m. a.m. New Year's Day □ p.m. a.m. Martin Luther King, Jr. Day p.m. a.m. President's Day p.m. ___a.m. Memorial Day :]p.m. ∐a.m. Independence Day July 4th : □ p.m. □a.m. □p.m. Labor Day : a.m. Veterans' Day November 11th □ p.m. a.m. П Thanksgiving Day : □ p.m. □a.m. Christmas Eve \square p.m. □a.m. Christmas Day □p.m. __a.m. Mother's Day i ___p.m. Па.m. П Father's Day □ p.m. la.m. Petitioner's Birthday : \Box p.m. □a.m. : Respondent's Birthday __p.m. a.m. Halloween October 31st -8 □ p.m.

□a.m.

□ p.m.

a.m.

□ p.m.

(2)	Spe	ecial	rules for holidays Check one
	a.		If a holiday falls on a Friday or a Monday, the parent with the holiday will have the whole weekend.
	b.		If a holiday falls on a Monday or a Friday, the alternating weekend schedule in 2.D(2)c.iv. will continue. This means the parent who has the children on the holiday weekend may have the children two weekends in a row.
	C.		Other Explain
(3)	Sui	mme	er Check one
58 080	a.		Summer school vacation will be divided as Petitioner and Respondent agree.
	b.		Petitioner and Respondent will each have one-half of the summer school vacation with alternate weekends to the other parent. The children will be returned to the parent with physical care at least one week before school starts.
	C.		The parent without physical care will have two weeks of uninterrupted summer visitation with the children and the parent with physical care will have two weeks of uninterrupted summer visitation with the children. During the rest of the summer the weekly visitation schedule should be followed.
	d.		Other Explain
(4)	Wir	nter :	school holiday Check one
X	a.		Winter school holidays will be divided as Petitioner and Respondent agree.
	b.		Petitioner and Respondent will each have one-half of the winter school holiday and alternate the first and second half each year.
	C.		Other Explain
(5)	Spi	ring :	school break Check one
	a.		Spring school break will be divided as Petitioner and Respondent agree.
	b.		Spring school break will be alternated every other year between Petitioner and Respondent.
	C.		Petitioner and Respondent will each have one-half of each spring school break.
	d.		Other Explain
			·

(6)	The	e chi	Idren's birthdays Check all that apply
	a.		Petitioner and Respondent will have contact with the children on their birthdays as the parents may agree.
	b.		A child's birthday will be spent with the parent who has the child on that day.
	C.		Each child's birthday will be alternated from year to year between Petitioner and Respondent.
	d.		Petitioner and Respondent will each have no less than two hours of personal contact with the child on the child's birthday.
	e.		Other Explain
(7)	Pi	ck u	p and drop off Check all that apply
	a.		The parents will agree about pick up and drop off for each visit.
	b.		The parent with visitation will pick up the children at the other parent's residence at the beginning of visitation and the parent with physical care will pick up the children at the end of visitation.
	C.		Only certain people can help the parents with transportation. If persons other than Petitioner and Respondent will help them provide transportation of the children, only the following people are permitted to help:
	d.		Other arrangements for visitation (for example, Petitioner and Respondent will meet at a location between their residences): <i>Explain</i>
(8)	The		rent without the children may contact the children by Check all that apply Calling the children
			ack one
		i.	☐ At reasonable hours
		ii.	□ a.m. □ a.m. □ a.m. □ p.m. to □ p.m.
		11.	Phone number ()
			Phone no. where children can be contacted
	b.		Emailing the children at this address: Email where children can be contacted
	C.		Other Explain
			<u> </u>

(9)		175.00	es to the schedule ill that apply			
	a.		The parties may agree to additional visitation	or changes to the sche	dule.	
	b.		If one parent fails to arrive at the appointed tir	me, then the other pare	nt will w	ait for at least
			minutes before cancelling the vis	sit.		
	C.		No changes allowed except by a court order.			
	d.		Other Explain			
			2			
(10)	Re	solvi	ing disagreements			
, ,		eck o	374 7.7			
	Bet	fore	going to court to resolve disagreements, Pet	titioner and Responder	nt will	
	a.		Ask the following person to help them resolve	e disagreements:		
					1	1
			Name	Relationship to parties	Phon	e number
			Present street address	City	State	ZIP code
	b.		Go to mediation. Do not check if mediation wi	ill not work because of d	omestic	violence

3. Attorney Help

Rule 17.400—Form 430: Proposed Parenting Plan, continued

Check one		770 - 370 - 31			
A. An attorney did	d not help me prepare or fill	in this paper.			
	lped me prepare or fill in the				
іј уои спеск В, у	ou must fill in the following infor	таноп:			
Name of attorney	or organization, if any	Atto	rney 's PIN –	Ask the A	ttorn
Business address	of attorney or organization	City		State 2	ZIP c
<u></u>	no. Attorney's fax no. – optic				
Attorney's phone	no. Attorney's fax no optio	onal Attorney's em	ail address – a	ptional	
T 170 TURN	led electronically, will automatic	0.50	R 18		0
I,	, certify	Month	Dav	,, _ _	Year
I mailed or gave a copaddress: Name of person to whom I	delivered or mailed it				
address: Name of person to whom I		City		State Z	
Name of person to whom I Party's or attorney's maili	ing address (<u> </u>		State Z	
address: Name of person to whom I	ing address (City		State Z	
Name of person to whom I Party's or attorney's maili Oath and Signatu	ing address (<i>ity</i> under penalty of			IP co
Address: Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name	ing address (under penalty of	perjury an	d pursua	IP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State	ing address Jre, certify	under penalty of this Motion and t	perjury an	d pursua	IP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on:	ing address Jre, certify te of lowa that I have read n is true and correct. I ask	under penalty of this Motion and t the court to gran	perjury an	d pursua	IP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio	ing address Jre, certify te of lowa that I have read n is true and correct. I ask	under penalty of this Motion and t	perjury an	d pursua	IP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on:	ing address Jre, certify te of lowa that I have read n is true and correct. I ask	under penalty of this Motion and t the court to gran	perjury an	d pursua	IIP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month	ing address JITE, certify te of lowa that I have read in is true and correct. I ask	under penalty of this Motion and t the court to gran	perjury and that the info	d pursual primation on.	IIP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month	ing address LITE, certify te of lowa that I have read n is true and correct. I ask, 20	under penalty of this Motion and t the court to gran	perjury and that the info	d pursual primation on.	IIP co
Address: Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month Mailing address (ing address JITE	under penalty of this Motion and to the court to gran	hat the infont this Motion	d pursua ormation on. ZIP coo	IIP co
Address: Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month Mailing address () Phone number Whether filing electronically	ing address JITE, certify te of lowa that I have read in is true and correct. I ask	under penalty of this Motion and to the court to gran our signature* Additional signature on this for	hat the infont this Motion	d pursua ormation on. ZIP coo	IIP co
Address: Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month Mailing address () Phone number Whether filing electronically	ing address JITE	under penalty of this Motion and to the court to gran our signature* Additional signature on this for	hat the infont this Motion	d pursua ormation on. ZIP coo	IIP co
Name of person to whom I Party's or attorney's maili Oath and Signatu I, Print your name to the laws of the State provided in this Motio Signed on: Month Mailing address (ing address JITE	under penalty of this Motion and to the court to gran our signature* Additional signature on this for	hat the infont this Motion	d pursua ormation on. ZIP coo	IIP co

[Court Order July 19, 2019, effective September 1, 2019]

Forms 431 to 500: Reserved

Rules 17.401 to 17.499 Reserved.

July 2009 Ch 18, p.1

CHAPTERS 18 TO 19

Reserved

CHAPTER 20 COURT RECORDS

Rule 20.1	Court records
Rule 20.2	Reports and transcripts of court proceedings
Rule 20.3	Records of the Supreme Court and Court of Appeals
Rule 20.4	Purging of case files
Rule 20.5	Purging of case files—lists

CHAPTER 20 COURT RECORDS

- Rule 20.1 Court records. The rules in this chapter govern the creation, storage, retention, duplication, reproduction, disposition, destruction of, and public access to records of the judicial branch of government.
- **20.1(1)** "Records of the judicial branch of government" are all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the judicial branch of government and consist of court records and administrative records.
- **20.1(2)** "Court records" are the contents of the court file, including the docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and any record of court proceedings produced by means authorized by the supreme court.
- **20.1(3)** "Administrative records" are all records other than court records made or received by the judicial branch pursuant to court rule or state law, or in connection with the transaction of official business of any judicial branch entity.

 [Court Order January 6, 2010]
- Rule 20.2 Reports and transcripts of court proceedings. The supreme court shall designate the types of court proceedings that must be reported and prescribe the manner, procedures and equipment to be used for creating, retaining, duplicating, reproducing and destroying a report of any proceeding in any court in this state.

 [Court Order January 6, 2010]
- Rule 20.3 Records of the Supreme Court and Court of Appeals. The clerk of the supreme court may:
- **20.3(1)** Reproduce original records of the supreme court and of the court of appeals by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, computer cards, and electronic digital format. The reproduced record has the same authenticity as the original record.
- **20.3(2)** After the original record is reproduced, the clerk of the supreme court may destroy the original records.

[Court Order October 26, 2017]

Rule 20.4 Purging of case files.

- **20.4(1)** Each clerk of the district court may purge civil case files ten years after final disposition. For purposes of this rule and rule 20.5, civil case files do not include juvenile, mental health, probate, or adoption proceedings. Each district court clerk may purge criminal case files ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this rule and rule 20.5, "purging" means the removal and destruction of documents in the case file which have no legal, administrative or historical value. The documents are to be retained or discarded in accordance with the purging lists in rule 20.5.
- **20.4(2)** Purging shall be done prior to reproduction of an entire court file in preparation for destruction under Iowa Code section 602.8103. A file shall be purged only once, pursuant to the provisions of this rule in effect at the time of purging.
- **20.4(3)** Each clerk of the district court shall designate either the clerk or a deputy as the "Records Management Specialist." The records management specialist shall be responsible for implementing office procedures for records management and retention, including the implementation of this rule. The records management specialist shall be the local supervisor who will answer questions about purging any documents not on the lists provided in rule 20.5. Any question not answerable by the records management specialist shall be referred to the district court administrator, who may refer questions to the state court administrator.
- **20.4(4)** The district court clerk need not give notice to any agency, attorney, party, or other group before purging any files under this rule and rule 20.5. Any government agency, historical society, group, or person may request and obtain any or all purged documents upon making written request

to the local district court clerk, and tendering payment therefor. District court clerks shall cooperate with reasonable requests of local and state historical societies when implementing purging operations.

- 20.4(5) Case files will be excepted from this rule only upon court order signed by a majority of the district judges of that district. The order may prohibit purging specific court files in whole or part, and must state the reason for the prohibition.
- 20.4(6) Purging of case files in proceedings involving parental notification of a minor's abortion under Iowa Code chapter 135L shall be in accordance with Iowa Ct. R. 8.32(3).
- 20.4(7) Orders appointing condemnation commissioners shall be retained for five years and then destroyed without reproduction.
- 20.4(8) One year after filing, district court clerks may destroy, without reproduction, "Confidential Information Forms" filed pursuant to Iowa Code section 602.6111.

[Court Order November 9, 2001, effective February 15, 2002; October 26, 2017] **COMMENT:** Rule 20.4 formerly appeared as Iowa Court Rule 22.37. [Court Order October 26, 2017]

Rule 20.5 Purging of case files—lists.

- **20.5(1)** Civil case files.
- a. Retain in files:
 - (1) Original notice.
 - (2) Petition.
 - (3) Return of service—affidavit of publication, certificate of state official (long arm/nonresident motorist, foreign corporations).
 - (4) Answer.
 - (5) Cross-petition.
 - (6) Answer to cross-petition.
 - (7) Counterclaim.
 - (8) Signed orders (original signed by judge).
 - (9) Decisions or decrees of court opinions.
 - (10) Amended pleadings (see nos. 2, 4, 5, 6, or 7).
 - (11) Writs issued (return of service).
 - (12) Entry of judgment.
 - (13) Dismissal.
 - (14) Jury verdict form (signed).
 - (15) Notice of appeal.
 - (16) Procedendo from clerk of supreme court.
 - (17) Agreement for judgment.
 - (18) Offer to confess judgment.
 - (19) Acceptance of offer to confess judgment.
 - (20) Execution/special execution.
 - (21) Return on execution/sheriff's sale.
 - (22) Stipulations.
 - (23) Partial satisfactions.
 - (24) Special appearance.
 - (25) Claim for return of seized property.
 - (26) Application for forfeiture of seized property.
 - (27) Release and/or satisfaction.
- b. Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):
 - (1) All duplicates of original documents.
 - (2) Bonds.
 - (3) Motions/Applications:
 - 1. Amend
 - 2. Change venue
 - 3. Dismiss/demurrer

- 4. Strike
- 5. Quash
- 6. More specific statement
- 7. Summary judgment
- 8. Consolidation
- 9. Stay
- 10. Compel
- 11. Sanctions
- 12. New trial
- 13. Reconsideration
- 14. Enlarge and amend
- 15. Continuance
- 16. Consolidate or sever
- 17. Judgment notwithstanding verdict
- 18. Examinations of judgment debtor
- 19. Substitute party
- 20. Withdrawal of attorney
- 21. Condemn funds
- 22. Citation for contempt
- (4) Response to any motion.
- (5) Briefs.
- (6) Notice of deposition.
- (7) Deposition transcripts.
- (8) Interrogatories and answers.
- (9) Notice of interrogatories.
- (10) Request for production.
- (11) Response to request for production.
- (12) Request for admissions and responses.
- (13) Pretrial compliance reports.
- (14) Trial certificates.
- (15) Objections to trial certificate.
- (16) Subpoenas.
- (17) Proposed jury instructions.
- (18) Witness lists; exhibits lists.
- (19) Correspondence.
- (20) Directions to sheriff for service.
- (21) Demand for jury trial.
- (22) Certificate of reporters re: costs of or taking deposition.
- (23) Order condemning funds.
- (24) Scheduling order or notices.
- (25) Orders that only set hearings.
- (26) Strike list notices.
- (27) Warrant for arrest of contemnor.
- (28) Entry of default.
- (29) Jury instructions.
- (30) Receipts for exhibits.
- (31) Praecipe.
- (32) Affidavit of amount due.
- (33) Affidavit of payments made.

20.5(2) Criminal case files.

- a. Retain in files:
 - (1) Trial information and minutes of testimony.
 - (2) Indictment.
 - (3) Amended trial information.
 - (4) Written plea of guilty.
 - (5) Opinion or decision of court.
 - (6) All orders of court, except those only setting a hearing.
 - (7) Jury instructions.
 - (8) Jury verdict (signed).
 - (9) Notice of appeal.
 - (10) Procedendo from clerk of supreme court.
 - (11) Notice of dismissal of appeal.
 - (12) Judgment entry.
 - (13) Sentencing entry.
 - (14) Presentence investigation report and associated reports.

b. Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):

- (1) All duplicates of original documents.
- (2) All copies and originals of jail booking forms and receipts.
- (3) All subpoenas issued and returned.
- (4) Written stipulations.
- (5) Warrant for arrest.
- (6) Return on warrant.
- (7) Bail bonds.
- (8) Recognizance agreements to appear.
- (9) Written arraignment.
- (10) Motions:
 - 1. To suppress and response
 - 2. Change of venue and response
 - 3. Limine and response
 - 4. To dismiss and response
 - 5. To sever trial and response
 - 6. Bill of particulars and response
 - 7. To amend trial information
 - 8. For appointment of counsel
 - 9. For withdrawal of counsel
 - 10. To determine competency
 - 11. To consolidate trial
 - 12. For continuance
 - 13. To correct sentence
 - 14. Reduction of bail or review conditions of release
 - 15. To revoke bail or pretrial release
 - 16. To forfeit bail
 - 17. To compel
- (11) Orders that only set hearings.
- (12) Briefs.
- (13) Proposed or requested jury instructions.
- (14) Pretrial conference reports, minutes, or orders.
- (15) Notices of depositions.
- (16) Scheduling notices.

- (17) Requests for transcripts.
- (18) Registered mail receipt cards or letters returned.
- (19) Receipts for evidence.
- (20) Correspondence from attorneys.
- (21) Nonsubstantive correspondence from defendants.
- (22) Application to revoke probation, or to adjudicate guilt, or to revoke deferred judgment.
- (23) Magistrate's transcript.
- (24) Complaint forms.
- (25) Media coordinator requests.
- (26) Appearance of attorney.
- (27) Witness lists.
- (28) Notice of special defense, (i.e., insanity, intoxication, alibi, duress, etc.).
- (29) Iowa R. Crim. P. 2.14(2)(a), disclosure required upon receipt (Notice).
- (30) Application for search warrant.
- (31) Return on search warrant.

20.5(3) Divorce/Dissolution of Marriage/Separate Maintenance/Child Support and Paternity case files.

a. Retain in files:

- (1) Original notice.
- (2) Petition for divorce, separate maintenance, dissolution of marriage, child support, or to determine paternity.
- (3) Return of service—affidavit of publication.
- (4) Acceptance of service.
- (5) Answer.
- (6) Cross-petition.
- (7) Answer to cross-petition.
- (8) Signed orders (original signed by judge).
- (9) Decrees or decisions of court.
- (10) Amended pleadings (see nos. 2, 5, 6, or 7).
- (11) Writs issued (return of service).
- (12) Entry of default.
- (13) Dismissal.
- (14) Notice of appeal.
- (15) Procedendo from clerk of supreme court.
- (16) Paternity test results.
- (17) Petition or application for modification.
- (18) Answer to petition or application for modification.
- (19) Order for temporary support or temporary custody.
- (20) Stipulations.
- (21) Execution/special execution.
- (22) Satisfaction/partial satisfaction.
- (23) Appearance by attorney or party.
- (24) Assignments of judgments and terminations of assignments.
- (25) Financial affidavits.
- (26) Child support worksheets.
- (27) Confidential information required under Iowa Code section 598.22B.

b. Discard from files:

- (1) All duplicates of original documents.
- (2) Bonds.

- (3) Motions/applications:
 - 1. Amend
 - 2. Change venue
 - 3. Dismiss/demurrer
 - 4. Strike
 - 5. Quash
 - 6. More specific statement
 - 7. Stay
 - 8. Compel
 - 9. Sanctions
 - 10. New trial
 - 11. Reconsideration
 - 12. Enlarge and amend (Iowa R. Civ.P. 1.904(2))
 - 13. Continuance
 - 14. Examinations of judgment debtor
 - 15. Withdrawal of attorney
 - 16. Condemn funds
 - 17. Citation for contempt
- (4) Response to any motion.
- (5) Briefs.
- (6) Notice of deposition.
- (7) Depositions transcripts.
- (8) Interrogatories and answers to interrogatories.
- (9) Notice of interrogatories.
- (10) Requests for production.
- (11) Response to requests for production.
- (12) Requests for admissions and responses.
- (13) Trial certificates.
- (14) Objections to trial certificates.
- (15) Subpoenas.
- (16) Correspondence.
- (17) Directions to sheriff for service.
- (18) Certificate of reporters re: costs of or taking depositions.
- (19) Order condemning funds.
- (20) Scheduling order or notices.
- (21) Orders that only set hearings.
- (22) Warrant for arrest of contemnor.
- (23) Strike list notices.
- (24) Receipts for exhibits.
- (25) Proof of service by Child Support Recovery Unit.
- (26) Certificate of completion of parent education program.

[Court Order February 17, 1989, effective April 15, 1989; July 26, 1996; October 3, 1997; November 25, 1998; October 27, 1999; November 9, 2001, effective February 15, 2002; October 26, 2017]

COMMENT: Rule 20.5 formerly appeared as Iowa Court Rule 22.38. Rule 20.5 conforms to standard court rule numbering. [Court Order October 26, 2017]

CHAPTER 21 ORGANIZATION AND PROCEDURES OF APPELLATE COURTS

ORGANIZATION OF THE SUPREME COURT

Rule 21.1	Submission to the court
Rule 21.2	Absence of chief justice
Rules 21.3 to 21.10	Reserved
	RGANIZATION OF THE COURT OF APPEALS
Rule 21.11	Policy
Rule 21.12	Sitting en banc or in panels
Rule 21.13	Panel composition
Rules 21.14 to 21.20	Reserved
	APPELLATE OPERATING PROCEDURES
Rule 21.21	Allocation of proceedings (cases)
Rule 21.22	Participation in and publication of opinions
Rule 21.23	Correction of opinions
Rule 21.24	Consideration of petitions for rehearing
Rule 21.25	Opinions dealing with confidential material
Rule 21.26	Memorandum opinions
Rule 21.27	Application to supreme court for further review
Rule 21.28	Posting opinions on the Internet
Rule 21.29	Controlling versions of opinions
Rule 21.30	Petitions, applications, requests, and motions

CHAPTER 21 ORGANIZATION AND PROCEDURES OF APPELLATE COURTS

ORGANIZATION OF THE SUPREME COURT

Rule 21.1 Submission to the court. Cases shall ordinarily be submitted en banc; however, the chief justice may provide for submission and consideration by less than the entire court. [Court Order September 19, 1979; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rule 21.2 Absence of chief justice. If the chief justice is absent or ill or from any other disability is unable to act and does not select some other member of the supreme court to act as chief justice during an absence or disability, the court shall select one of its other members to act during such time. [Court Order September 19, 1979; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rules 21.3 to 21.10 Reserved.

ORGANIZATION OF THE COURT OF APPEALS

Rule 21.11 Policy. The principal role of the court of appeals is to dispose justly of a high volume of cases.

[Court Order March 5, 2013, effective May 3, 2013]

Rule 21.12 Sitting en banc or in panels. The court of appeals may sit in panels. The chief judge of the court of appeals shall determine whether a case will be submitted with or without oral argument and whether it will be submitted to a panel of the court of appeals. A case first assigned to a panel may be submitted en banc upon the approval of the court.

[Court Order September 19, 1979; October 7, 1981; February 1, 1982; May 16, 1984; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rule 21.13 Panel composition. Composition of panels shall be changed periodically. A chief judge sitting on any panel shall be the presiding judge. When the chief judge is not a member of the panel, the active judge with the most seniority shall preside.

[Court Order February 1, 1982; May 16, 1984; July 19, 1999; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rules 21.14 to 21.20 Reserved.

APPELLATE OPERATING PROCEDURES

Rule 21.21 Allocation of proceedings (cases). Screening and evaluation of cases filed with the supreme court clerk shall be undertaken by the supreme court for purposes of routing to the appropriate appellate court. The supreme court shall make all routing decisions. Decisions concerning the necessity and scheduling of oral argument shall be made in the appropriate appellate court.

[Court Order September 19, 1979; May 27, 1988, effective July 1, 1988; November 9, 2001, effective February 15, 2002; February 27, 2008; March 5, 2013, effective May 3, 2013]

Rule 21.22 Participation in and publication of opinions.

- **21.22(1)** *Participation in opinions.* Each opinion of the supreme court and court of appeals shall show the justices or judges who participated in the opinion.
- **21.22(2)** Publication of supreme court opinions. All opinions of the supreme court, other than those issued per curiam, shall be published as provided in this rule. A list indicating the disposition of all opinions rendered by the supreme court per curiam or under Iowa R. App. P. 6.1203 shall be published quarterly in West's North Western Reporter, except for those opinions the supreme court specially orders to be published in the regular manner.

- **21.22(3)** Publication of court of appeals opinions. The court of appeals, by majority vote of its members en banc, shall decide which of its opinions shall be published. Its decision to publish an opinion shall be reflected in an order filed with the clerk. An opinion may be published only after it is final. When further review is granted, the opinion of the court of appeals shall not be published unless the supreme court otherwise directs.
- **21.22(4)** Official reporter. Opinions of the supreme court and opinions of the court of appeals to be published shall be published in West's North Western Reporter commencing with and subsequent to 158 N.W. 2d.
- **21.22(5)** *Table of court of appeals opinions not otherwise published.* A table of the opinions of the court of appeals not approved for publication shall be published regularly in West's North Western Reporter. The table shall consist of the title, docket number, date of decision, and disposition of each case.

[Court Order September 19, 1979; December 20, 1989, effective February 15, 1990; February 19, 2001, effective July 1, 2001; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rule 21.23 Correction of opinions.

- **21.23(1)** Correction notice. The author of an opinion or the appropriate appellate court may correct typographical, grammatical, or other formal errors in the opinion by filing a correction notice with the clerk of the supreme court. The correction notice shall be filed and kept with the opinion, and the author or appropriate appellate court shall cause a corrected opinion to be filed with the clerk. The corrected opinion shall reflect the original date of filing as well as the date of the filing of the corrected opinion. The original opinion shall remain on file with the clerk. If the opinion is to be published in the West's North Western Reporter and has not yet been published in a bound volume, and if the correction did not originate with the publishing company, the author or appropriate appellate court shall cause a copy of the correction notice to be transmitted immediately to the publishing company for insertion of the correction in the published opinion.
- **21.23(2)** Substantive changes to opinion. Changes in the substance of a supreme court opinion may be made only by action of that court before procedendo has been issued. Changes in the substance of an opinion by the court of appeals may be made only before supreme court rules on any application for further review or, when no such application is filed, before issuance of procedendo. Such changes shall be made only by the filing of an order amending the opinion together with a substituted opinion. The substituted opinion shall reflect the original date of filing as well as the date of the filing of the substituted opinion. The original opinion shall remain on file with the clerk.

[Court Order December 5, 1979, effective January 1, 1980; May 16, 1984; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

- **Rule 21.24 Consideration of petitions for rehearing.** All petitions for rehearing shall be considered by the justices and judges who participated in the original opinion. [Court Order June 27, 1980; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]
- Rule 21.25 Opinions dealing with confidential material. In an appeal in a juvenile case in which the juvenile court record is confidential under Iowa Code section 232.147, the supreme court or court of appeals shall refer to the parties in the caption and body of the opinion and other public court documents by first name, initials, or pseudonym. The same method of designation shall be used in any situation in which revealing a person's identity would have the effect of disclosing material which is required by statute or rule of the supreme court to be confidential.

[Court Order November 19, 1981; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rule 21.26 Memorandum opinions.

- **21.26(1)** When appropriate. Memorandum opinions may be used by the court of appeals and supreme court when any of the following occur:
 - a. The issues involve only the application of well-settled rules of law to a recurring fact situation.
- b. The issue is whether the evidence is sufficient to support a jury verdict, a trial judge's finding of fact, or an administrative agency's finding, and the evidence is sufficient.

- c. Disposition of the proceeding is clearly controlled by a prior published holding of the court deciding the case or of a higher court.
- d. The record of the proceeding includes an opinion of the court or agency whose decision is being reviewed, the opinion identifies and considers all the issues presented, and the appellate court approves of the reasons and conclusions in the opinion.
 - e. A full opinion would not augment or clarify existing case law.
 - **21.26(2)** Contents. Memorandum opinions should contain all of the following information:
 - a. The name and number of the case.
 - b. The contentions of the Appellant or Appellants when appropriate.
 - c. The reasons for the result, briefly stated.
 - d. The disposition.

[Court Order September 19, 1979; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

Rule 21.27 Application to supreme court for further review.

- **21.27(1)** When deemed submitted. An application for further review shall be deemed submitted for consideration by the supreme court when the time for filing a resistance to the application has expired. In those cases in which a resistance is not allowed unless ordered by the court, and no resistance has been ordered, an application for further review shall be deemed submitted when the time for filing an application has expired.
- **21.27(2)** Supreme court consideration. The supreme court en banc shall consider each application for further review and resistance. The affirmative vote of at least one-half of justices voting on the application shall be required to grant an application for further review. If an application is granted, the supreme court shall determine the scope and manner of submission.
- **21.27(3)** Denial of further review shall have no precedential value. [Court Order September 19, 1979; June 1, 2000, effective November 11, 2000; November 9, 2001, effective February 15, 2002; January 24, 2003; November 23, 2004; March 5, 2013, effective May 3, 2013]
- Rule 21.28 Posting opinions on the Internet. The appropriate appellate court will make its opinions available on the judicial branch web page, www.iowacourts.gov, shortly after the court files the opinion in the clerk's office. If a court corrects an opinion under rule 21.23, the appropriate appellate court will make the corrected opinion available on the judicial branch web page shortly after the court files the corrected opinion in the clerk's office.

 [Court Order March 5, 2013, effective May 3, 2013]
- Rule 21.29 Controlling versions of opinions. The latest version of an opinion on file in the office of the clerk of the supreme court is the controlling version of the opinion. Opinions posted on the judicial branch web page may contain computer-generated errors or other deviations from the official opinion filed in the clerk's office. Moreover, a slip opinion is replaced within a few months by a paginated version of the opinion in the West's North Western Reporter preliminary print, and by the final version of the opinion in the reporter's bound volume. In case of discrepancies between the opinion posted on the judicial branch web page and the reporter's printed slip opinion, the latest opinion filed in the clerk's office is the controlling opinion. In case of discrepancies between the slip opinion and any later version in the reporter's bound volume, the latest version as filed in the clerk's office is the controlling opinion. In case of discrepancies between any online version of the opinion and the reporter's bound volume, the latest version on file in the clerk's office is the controlling opinion.

[Court Order March 5, 2013, effective May 3, 2013]

Rule 21.30 Petitions, applications, requests, and motions.

- **21.30(1)** Clerk's review of filings. The clerk of the supreme court or designee shall examine each petition, application, request, motion or similar document (called "motions" in this rule) filed to determine:
- a. If the motion should be considered by a single judge, justice, or panel of the appropriate appellate court, or whether it may be ruled upon by the clerk or deputy pursuant to rule 6.1002(7);
 - b. If the motion should be ruled upon without awaiting a resistance pursuant to rule 6.1002(4); or
 - c. If the motion demands the immediate attention of the court pursuant to rule 6.1002(1)(a).
 - **21.30(2)** Consideration of motions.

- a. Motions not requiring a resistance. Motions not requiring a resistance shall be promptly submitted to a judge, justice, panel, or the clerk or deputy for consideration.
- b. Motions demanding immediate attention. Motions demanding the immediate attention of the court shall be immediately delivered to the appropriate appellate court.
- c. Other motions. All other motions shall be submitted to a judge, justice, panel, or clerk or deputy for consideration after expiration of the deadline to file a resistance.
- **21.30(3)** Motions considered by more than one judge or justice. Orders on motions considered by a panel of judges or justices shall be signed by one judge or justice, but shall include the names of the judges or justices who considered the motion. An order on a motion the entire court considered, however, may be signed by a single judge or justice with a notation that the motion was considered en banc.
- **21.30(4)** Assignment of motions. Motions shall ordinarily be assigned to a judge, justice, or panel for consideration on a rotating basis.

[Court Order September 19, 1979; October 1, 1979; July 19, 1984; May 7, 1986, effective June 2, 1986; November 9, 2001, effective February 15, 2002; March 5, 2013, effective May 3, 2013]

CHAPTER 22 JUDICIAL ADMINISTRATION

Rule 22.1	Supervision of courts
Rule 22.2	Recall and transfer of judges
Rule 22.3	Selection of chief judges
Rule 22.4	Order appointing chief judge
Rule 22.5	Duties and powers of chief judges
Rule 22.6	Court and trial sessions
Rule 22.7	Case assignment
Rule 22.8	Judicial district scheduling
Rule 22.9	Change of venue to another judicial district
Rule 22.10	Judges — monthly report
Rule 22.11	Practice of law by judges
Rule 22.11	Senior judges
Rule 22.12 Rule 22.13	Service by retired judges
Rule 22.14	Judicial vacation
Rule 22.15	Quasi-judicial business
Rule 22.15	Preaudit travel claims of judiciary — definitions
Rule 22.17	Reimbursable travel
Rule 22.17 Rule 22.18	Transportation
Rule 22.19	Lodging
Rule 22.20	Meals
Rule 22.21	Miscellaneous travel provisions
Rule 22.22	Gifts
Rule 22.23	Honoraria
Rule 22.24	Interests in public contracts
Rule 22.25	Services against the state
Rule 22.26	Personal disclosure
Rule 22.27	Definitions
Rule 22.28	Transcripts — rates for transcribing a court reporter's official notes
Rule 22.29	Marriage fees received by a judicial officer
Rule 22.30	Use of signature facsimile
Rule 22.31	Juror compensation
Rule 22.32	Magistrates — annual school of instruction
Rule 22.33	Nepotism
Rule 22.34	Judicial branch appointments
Rule 22.35	Service copies
Rule 22.36	Paper size and requested copies
Rules 22.37 and 22.38	Reserved
Rule 22.39	Staffing offices of clerks of court
Rule 22.40	Public business hours of offices of clerks of court
10010 22.10	1 world owning to offices of civing of court

CHAPTER 22 JUDICIAL ADMINISTRATION

- **Rule 22.1 Supervision of courts.** The supreme court, by and through the chief justice, shall exercise supervisory and administrative control over all trial courts in the state, and over the judges and other personnel thereof, including but not limited to authority to make and issue any order a chief judge may make under rule 22.5, or to modify, amend or revoke any such order or court schedule. [Report 1969; Court Order November 9, 2001, effective February 15, 2002]
- **Rule 22.2 Recall and transfer of judges.** The supreme court by and through the chief justice may at any time order the recall of eligible retired judges for active service, and the transfer of active judges and other court personnel from one judicial district to another to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently. [Report 1969; Court Order November 9, 2001, effective February 15, 2002]
- **Rule 22.3 Selection of chief judges.** Not later than December 15 in each odd-numbered year the chief justice, with the approval of the supreme court, shall appoint from the district judges of each district one of their number to serve as chief judge. The judge so appointed shall serve for a two-year term and shall be eligible for reappointment. Vacancies in the office of chief judge shall be filled in the same manner within 30 days after the vacancy occurs. During any period of vacancy the judge of longest service in the district shall be the acting chief judge.

[Report 1969; Court Order October 31, 1997, effective January 24, 1998; October 27, 1999, effective January 3, 2000; November 9, 2001, effective February 15, 2002]

- Rule 22.4 Order appointing chief judge. An order appointing a chief judge shall be filed with the clerk of the supreme court who shall mail a copy to the clerk of the district court in each county in the judicial district. The clerk of the supreme court may mail the copies of the order electronically. [Report 1969; Court Order November 9, 2001, effective February 15, 2002; April 11, 2007]
- Rule 22.5 Duties and powers of chief judges. In addition to their ordinary judicial duties, chief judges shall exercise continuing administrative supervision within their respective districts over all district courts, judges, magistrates, officials and employees thereof for the purposes stated in Iowa R. Civ. P. 1.1807. They shall by order fix times and places of holding court and designate the respective presiding judges and magistrates; they shall supervise and direct the performance of all administrative business of their district courts; they may conduct judicial conferences of their district judges, district associate judges, and magistrates to consider, study and plan for improvement of the administration of justice; and may make such administrative orders as necessary. No chief judge shall at any time direct or influence any judge or magistrate in any ruling or decision in any proceeding or matter whatsoever.

The chief judge of a judicial district may appoint from the other district judges an assistant or assistants to serve on a judicial district-wide basis and at the chief judge's pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district.

[Report 1969; amendment 1972; amendment 1979; Court Order October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

- Rule 22.6 Court and trial sessions. Chief judges shall by order provide for the following:
- **22.6(1)** A court session by a district judge at least once each week in each county of the district, announced in advance in the form of a written schedule, unless a different schedule is approved by the supreme court.
- 22.6(2) Additional sessions in each county for the trial of cases, and other judicial matters, of such duration and frequency as will best serve to expeditiously dispose of pending cases ready for trial, and other pending judicial matters.

[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.7 Case assignment. The chief judge may assign and monitor cases within the district and may delegate this authority to the district court administrator by general supervisory order or on

a case-by-case basis. District judges, district associate judges, associate judges, associate probate judges, and magistrates shall attend to any matter within their statutory jurisdiction assigned to them by the chief judge.

[Court Order May 30, 1986; February 14, 1996; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.8 Judicial district scheduling.

22.8(1) The chief judge of each judicial district shall by annual written order set the times and places of holding court within the judicial district and designate the respective presiding judges. The order shall provide for a court session at least once a week in each county of the judicial district, unless otherwise approved by the supreme court. The order shall provide for a scheduled trial session in each county of the judicial district at least four times each year, to be presided over by a different judge. In determining the schedule ordered, the chief judge shall rotate trial judges without regard to judicial election district lines to facilitate the administration of justice, integrate the district bench and promote the ideal of district administration.

22.8(2) An order of the chief judge demonstrating compliance with this rule for the next calendar year shall be filed by October 15 of the preceding calendar year with the clerk of the supreme court. Following supreme court approval, the chief judge shall file a copy of the order with the clerk of the district court in each county of the respective judicial district.

[Court Order October 15, 1985; November 9, 2001, effective February 15, 2002]

Rule 22.9 Change of venue to another judicial district.

- **22.9(1)** *Definitions.* As used in this rule:
- a. "Receiving county" means the county to which a change of venue is ordered.
- b. "Sending county" means the county from which a change of venue is ordered.
- **22.9(2)** Communication prior to ordering a change of venue. Before ordering a change of venue to another judicial district for trial, a judge shall communicate with the office of the chief judge of the judicial district in which the intended receiving county is located. The judge shall determine from inquiry of the chief judge or the chief judge's designee the availability of a courtroom, a jury panel if required, and any necessary court personnel in the receiving county. Subject to the approval of the chief justice, the judicial district in which the sending county is located shall provide the trial judge and court reporter for the transferred proceeding.
- **22.9(3)** *Transmission of copies of order changing venue.* Copies of an order changing venue shall be promptly transmitted to all of the following:
 - a. The chief judge of the judicial district in which the receiving county is located.
 - b. The court administrator for the judicial district in which the receiving county is located.
 - c. The clerk of the district court for the receiving county.
- d. The state court administrator, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.
 - e. Any other persons required by law to receive copies of such an order.
- **22.9(4)** Action brought in wrong county. This rule does not apply where the action was brought in the wrong county.

[Court Order October 20, 1981; November 9, 2001, effective February 15, 2002; April 9, 2003] See also rule 2.11 and rule 2.65.

Rule 22.10 Judges — monthly report.

22.10(1) Each senior judge, district judge, district associate judge, full-time associate juvenile judge, full-time associate probate judge, and judicial magistrate shall report monthly to the supreme court, through the office of the state court administrator, all matters taken under advisement in any case for longer than 60 days, together with an explanation of the reasons for the delay and an expected date of decision. If no matters have been taken under advisement over 60 days, the report shall state "none." Senior judges need only file reports for those months during which they perform judicial duties or have matters under advisement.

22.10(2) Any submission shall be reported when all hearings have been completed and the matter awaits decision without further appearance of the parties or their attorney. A matter shall be deemed submitted even though briefs or transcripts have been ordered but have not yet been filed.

- **22.10(3)** The report shall be due on the tenth day of each calendar month for the period ending with the last day of the preceding calendar month. The report shall be signed by the judge or magistrate and submitted on a form prescribed by the state court administrator.
- **22.10(4)** A judge who is reporting a matter or matters taken under advisement for longer than 60 days shall send to the district court administrator a copy of the report forwarded to the state court administrator. The chief judge of the district shall review the copies filed in the district court administrator's office and take such action as shall be appropriate. A chief judge may elect whether to report any action taken to the supreme court. A district chief judge reporting such matters to the supreme court shall forward a copy to the liaison justice for the chief judge's judicial district.
- **22.10(5)** The state court administrator shall promptly cause all reports received to be filed in the office of the clerk of the supreme court as records available for public inspection. [Court Order December 15, 1977; February 20, 1981; July 16, 1984 received for publication October 25, 1984; June 28, 1985, effective July 1, 1985; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.11 Practice of law by judges.

- **22.11(1)** A newly appointed full-time associate juvenile judge, full-time associate probate judge, district associate judge, district judge, court of appeals judge, or supreme court justice (hereinafter, judge) may have 30 days from the date of qualifying for office pursuant to Iowa Code section 63.6, or until the vacancy in the office actually occurs, whichever is later, in which to terminate any private law practice before assuming judicial duties. No newly appointed judge shall be placed on the state payroll or assume judicial duties until such private practice is concluded.
- **22.11(2)** In terminating a law practice, the newly appointed judge shall undertake no new matters, shall conclude those matters which can be completed within the time provided in rule 22.11(1) and shall transfer those matters which cannot be so concluded or which require trial. While in the process of terminating a private practice, the newly appointed judge shall keep court appearances to a minimum.
- **22.11(3)** Upon good cause shown, the supreme court may extend the time in which a newly appointed judge shall comply with this rule.
- **22.11(4)** After assuming judicial duties and being placed on the payroll, a judge shall not engage in the practice of law. The practice of law includes but is not limited to the examination of abstracts, consummation of real estate transactions, preparation of legal briefs, deeds, buy and sell agreements, contracts, wills and tax returns.

[Court Order April 29, 1980; June 28, 1985, effective July 1, 1985; July 26, 1996; December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; April 4, 2002]

Rule 22.12 Senior judges.

- **22.12(1)** The supreme court will accept applications from judges for the senior judge program for judges who will be 62 years of age or older at the time the judge assumes senior status. The 62-years-of-age requirement in this rule is effective January 1, 2018, but it will not apply to judges who have 20 years of service prior to the effective date of this rule.
 - 22.12(2) A senior judge must be a resident of the State of Iowa to serve as a senior judge.
- **22.12(3)** In order for senior judges to provide the most effective service to the judicial branch, the supreme court may assign a senior judge:
 - a. Within the district the judge served before taking senior status.
 - b. To a district other than the judge served before taking senior status.
 - c. To more than one district.
 - d. To cross district lines, when necessary.
 - e. To conduct court-sanctioned alternative dispute resolution.
- f. To the state court administrator to perform non-adjudicative duties such as working on special projects involving technology or education, mentoring other judges, or assisting the supreme court in its administrative or rule-making functions.
 - g. To the court of appeals to assist it in its adjudicative duties.
 - h. To serve in the capacity of an administrative law judge pursuant to Iowa Code section 602.9206.
 - i. To any other duties the supreme court may approve.
- **22.12(4)** Prior to submitting an application to become a senior judge, the judge, the chief judge of the district, the district court administrator, and the state court administrator may meet and discuss the judge's potential assignment together with the scope and parameters of the senior judge's service. If

the judge decides to apply for senior status, the judge can request the supreme court to give that judge a preliminary determination as to whether the supreme court will approve the judge's application.

- **22.12(5)** The supreme court, in ruling on an application for senior status, including reappointment of an applicant to an additional term, may consider the following factors:
- a. The applicant's demonstration of a willingness and ability to undertake and complete all assigned work during the applicant's service as a judge or a senior judge.
- b. The recommendation of the chief judge and court administrator made in consultation with other judges from the district, in the district where the judge has served.
 - c. The result of the most recent Iowa State Bar Association judicial performance evaluation.
 - d. The applicant's monthly rule 22.10 reports.
- e. The applicant's agreement to perform duties as scheduled and assigned by the chief judge of the district, by an appellate court where the senior judge is assigned, or by the state court administrator.
 - f. The applicant's plans, if any, to regularly spend time or reside out-of-state.
- g. The applicant's work or plans to work as a mediator, arbitrator, or provider of other alternative dispute resolution services.
- **22.12(6)** A person who files an election to become a senior judge any time after the date of retirement, pursuant to Iowa Code section 602.9203, shall file written evidence with the clerk of the supreme court that the person has not engaged in the practice of law between the person's date of retirement and date of senior judge election.
- **22.12(7)** An applicant for appointment to become a senior judge or a senior judge who applies for reappointment to an additional term shall provide evidence to the satisfaction of the supreme court that the applicant or senior judge does not suffer from a physical or mental disability or an illness that would substantially interfere with the performance of duties agreed to under this rule. Evidence shall include:
- a. A statement of ability to serve by the applicant and a written opinion of a doctor of medicine or doctor of osteopathic medicine and surgery.
- b. Prior to or following appointment or reappointment, a judge or senior judge must provide the court with additional information about the senior judge's physical and mental health and authorization for the release of medical information upon request.
- **22.12(8)** A senior judge may only serve for a total period of six years. In any event, a senior judge shall cease holding office when the senior judge reaches 78 years of age. To be eligible for consideration, a senior judge must file an application for reappointment within 30 days prior to the expiration of the senior judge's term. The six-year-term-of-service limitation is effective January 1, 2018, but it will not apply to judges who have 20 years of service prior to January 1, 2018.
- **22.12(9)** At the end of each calendar quarter, a senior judge shall file a report with the clerk of the supreme court indicating the dates on which the senior judge performed judicial or other assigned duties and the nature of the duties performed or the name of the cases over which the judge presided on each date of service. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.
- **22.12(10)** Senior judges and applicants for appointment and reappointment to the senior judge program must provide information and reports required by this section on forms approved by the supreme court. The court administrator may require a senior judge to submit a statement of ability to serve by the senior judge and a written opinion of a doctor of medicine or doctor of osteopathic medicine and surgery.
- **22.12(11)** The following rules shall apply to senior judges, retired judges assigned to temporary judicial duties pursuant to Iowa Code section 602.1612, and retired senior judges assigned to temporary judicial duties pursuant to section 602.1612 who wish to engage in mediation, arbitration, or other forms of alternate dispute resolution:
- a. A judge covered by this rule shall not act as an arbitrator, mediator, or provider of other forms of alternate dispute resolution while assigned to judicial service or when such action will interfere with an assignment to judicial service. A judge covered by this rule shall not use the title "senior judge" or the title "judge" in any form while acting as an arbitrator or mediator.

- b. A senior judge shall disclose to the parties if the senior judge has mediated a dispute involving any party or any party's insurer, lawyer, or law firm involved in a case before the senior judge, and any negotiations or agreements for the provision of mediation services between the senior judge and any party or any party's insurer, lawyer, or law firm to a case before the senior judge. A senior judge shall not preside over any case involving a party or a party's insurer, lawyer, or law firm that is using or negotiating to use the senior judge as a mediator, or has used or agreed to use the senior judge as a mediator in the past two years. A senior judge shall not serve as a mediator in any case in which the judge is currently presiding. A senior judge shall not mediate any dispute that is filed in or could be venued or filed in the judicial district or appellate court in which the judge serves. These restrictions cannot be waived by consent of the parties or lawyers. For purposes of this section, mediation includes arbitration and other forms of alternate dispute resolution.
- c. At the end of each calendar quarter, a senior judge who has engaged in private mediation or dispute resolution activities during the quarter shall file a report with the clerk of the supreme court. The senior judge shall report the date or time period when the mediation occurred, the county where the mediation occurred, the county in which the dispute arose, the names of the parties, and the names of the lawyers and insurers, if any, involved in the mediation. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and to the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.

[Court Order December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; February 27, 2008; October 31, 2008, effective January 1, 2009; April 30, 2010, effective May 3, 2010; November 18, 2016, effective March 1, 2017]

Rule 22.13 Service by retired judges. No retired judge or retired senior judge shall be eligible for temporary service under the provisions of Iowa Code section 602.1612 after reaching the age of 78. [Court Order September 30, 1987; November 9, 2001, effective February 15, 2002]

Rule 22.14 Judicial vacation.

22.14(1) Supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 22 working days of vacation per calendar year. After 15 years of service with the judicial branch, supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 27 working days of vacation per calendar year.

Vacation schedules of district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges shall be coordinated through the office of the chief judge of the district. The chief judge shall cause a record to be kept of the amount of vacation taken by each judicial officer in the district. The number of vacation days shall be prorated during the calendar years a judicial officer begins and separates from judicial service.

No more than 27 working days of accrued, unused vacation from a prior year may be carried into a calendar year. Separation from judicial office shall cancel all unused vacation time. No compensation shall be granted for unused vacation time remaining at the time of separation.

22.14(2) Schedules for judicial magistrates should be arranged by the chief judge of each district to accommodate a reasonable vacation period; however, a judicial magistrate shall not be entitled to any specific vacation days for which compensation may be granted, nor may compensation be granted for days not taken prior to separation from judicial service.

[Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; September 18, 1992, effective January 2, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002; August 29, 2002; November 22, 2004, effective January 1, 2005]

Rule 22.15 Quasi-judicial business.

22.15(1) Each supreme court justice, court of appeals judge, district judge, district associate judge, full-time associate judge, and full-time associate probate judge may take up to ten working days per calendar year for the purpose of quasi-judicial business. This right is subject to the ability of the chief judge of each district to make necessary scheduling adjustments to accommodate requests.

2002; August 29, 2002]

The ten days shall be prorated during the calendar years a judicial officer begins and separates from judicial service. The chief justice of the supreme court may authorize exceptions to this rule.

22.15(2) "Quasi-judicial business" includes teaching, speaking, attending related educational programs, courses or seminars, and those duties specified in rule 22.16(5)(b)(8) and rule 22.16(5)(b)(13) but does not include time spent on other "official duties" enumerated in rule 22.16(5)(b), or teaching judicial branch educational programs when prior approval is obtained from the chief judge of the appropriate judicial district and chief justice of the supreme court. [Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; June 28, 1985, effective July 1, 1985; October 24, 1985, effective November 1, 1985; July 26, 1996; November 9, 2001, effective February 15,

Rule 22.16 Preaudit travel claims of judiciary — definitions. As used in this rule and rules 22.17 through 22.21:

- **22.16(1)** "Court employee" or "employee of the judicial branch" means an officer or employee of the judicial branch except for a judicial officer or a court reporter.
- **22.16(2)** "Court reporter" means every full-time or temporary court reporter compensated by the judicial branch pursuant to Iowa Code section 602.1502.
- **22.16(3)** "Judicial officer" means every justice, judge, district associate judge, senior judge, associate juvenile judge, associate probate judge, judicial hospitalization referee, and magistrate, appointed to serve in the state of Iowa.
 - 22.16(4) "Official domicile" means the following:
- a. "Court employee's official domicile" means the city, town, or metropolitan area within which the office is located to which that court employee is assigned. Transportation costs between any such employee's permanent home and that person's office, and subsistence within the limits of an employee's official domicile are not reimbursable.
- \hat{b} . "Judicial officer and court reporter's official domicile." By December 15 of each year, the chief judge of the judicial district shall designate a courthouse as an official domicile for each judicial officer and court reporter. The official domicile of a judicial officer and a court reporter shall be the courthouse in the county in which the judge or court reporter works more than 50 percent of the time. When the judge or reporter does not work more than 50 percent of the time in the same courthouse, the judge's or reporter's official domicile shall be a courthouse designated by the chief judge. Notification of the official domicile must be filed with the state court administrator's office.
 - c. Reserved
 - d. For purposes of this definition, the following are official domicile-defining metropolitan areas.

Metr	ropolitan Areas	Inclu	sions
1.	Cedar Rapids	1.	Hiawatha
			Marion
2.	Clinton	2.	Camanche
			Elvira
			Low Moor
3.	Council Bluffs	3.	Bellevue
			Bennington
			Boys Town
			Carter Lake
			Elkhorn
			Irvington
			LaPlatte
			La V ista
			Millard
			Omaha
			Papillion
			Ralston
			Springfield
4.	Davenport	4.	Bettendorf
			East Moline
			Hampton
			Milan
			Moline
			Pleasant Valley
			Riverdale
			Rock Island
			Silvis
5.	Des Moines	5.	Polk County
6.	Dubuque	6.	Asbury
			Centralia
			East Dubuque
			Sageville
7.	Iowa City	7.	Coralville
8.	Mason City	8.	Clear Lake
9.	Sioux City	9.	North Sioux City
			Sergeant Bluff
			South Sioux City
10.	Waterloo	10.	Cedar Falls
			Evansdale

22.16(5) "Official duties" means the following:

- a. "Official duties" of a court reporter or court employee are the responsibilities and functions contained in the judicial branch job description for the position the individual holds.
- b. "Official duties" of a judicial officer are the responsibilities and functions customarily and usually pertaining to the office of judge or referee. Subject to Iowa Code section 602.1509, and this rule and rules 22.17 through 22.21, official duties include the following:
 - (1) Attendance at court sittings and performance of the other work of the court.
 - (2) Attendance at judicial conferences called under Iowa Code section 602.1203.
- (3) Attendance by district judges, district associate judges, associate judges, associate probate judges, and judicial magistrates at district judicial conferences called by chief judges of the district court.

- (4) Attendance to give testimony before committees of the general assembly, at the committees' request.
- (5) Attendance at meetings of judicial nominating commissions as the judicial member of the commission.
- (6) Performance of functions as a member of committees or commissions appointed by the supreme court, the chief justice, or a chief judge of the district court on court procedure, administration, or structure.
 - (7) Attendance at meetings when designated by the chief justice to represent the judicial branch.
- (8) If approved in advance by the chief justice: attendance to serve as judge at moot court proceedings for Iowa Law School and Drake Law School not to exceed one attendance per calendar year by any one attending judge; attendance at legal or judicial educational and training sessions and courses outside the state; and attendance at meetings of national associations of chief justices, appellate court justices and judges, trial court judges, and judicial officers of limited jurisdiction.
 - (9) Performance by chief judges of the district court of their administrative functions.
- (10) Attendance by members of the judicial council at meetings of the council and of its committees.
- (11) Performance by liaison justices of their functions as such within their assigned judicial districts.
- (12) Attendance by district associate judges and judicial magistrates at the Iowa judicial magistrates schools of instruction and traffic court conferences.
- (13) Performance of functions for which reimbursement of travel expense is authorized by any other Iowa statute or rule of the supreme court.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004]

Rule 22.17 Reimbursable travel.

22.17(1) *In-state.*

- a. Expenses incurred for in-state travel outside the judicial district, except expenses incurred by juvenile court officers in the discharge of their official duties, are not reimbursable unless prior approval for the travel has been given by the chief justice or the chief justice's designee on a prescribed form. In-state travel for juvenile court officers shall include travel within a 100-mile radius outside the borders of the state of Iowa. Expenses incurred for in-state travel outside the judicial district by juvenile court officers in the discharge of their official duties are not reimbursable unless approval for the travel has been given by the chief juvenile court officer of the judicial district.
- b. Reimbursement under this chapter for in-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

22.17(2) *Out-of-state.*

- a. Requests to attend conferences, meetings, training courses, programs, and similar gatherings which require out-of-state travel shall be submitted to the chief justice or the chief justice's designee on a prescribed form at least two weeks prior to the proposed departure date. No reimbursement of out-of-state expenses shall be made unless the trip has received prior approval of the chief justice or the chief justice's designee except as otherwise provided in this rule.
- b. Reimbursement for expenses incurred for out-of-state travel by juvenile court officers in the discharge of their official duties relating to court-ordered transportation and placement shall be allowed if oral or written approval is given by the chief juvenile court officer of the judicial district and the chief justice or the chief justice's designee at any time prior to the proposed departure.
- c. Reimbursement under this chapter for out-of-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

 [Court Order November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.18 Transportation.

- **22.18(1)** Route and conveyance. Transportation shall be by the usually traveled route. Mileage shall be based on mileage published by the department of transportation. Reimbursement shall be limited to the most economical means of conveyance available.
- **22.18(2)** *Mileage personal car.* Judicial officers, court reporters, and court employees shall be reimbursed their mileage expense when required in the discharge of official duties to travel outside

their official domicile. Reimbursement shall be for the miles driven from the official domicile or employee's residence, whichever is less, to the assigned work location. In no instance shall employees and judicial officers be reimbursed for more than actual miles driven, or for commuting to and from their residence and their official domicile or a courthouse within their county of residence. Carpooling is required whenever possible. A judge and the judge's court reporter shall not be separately reimbursed for duplicate mileage expense in traveling to court assignments. The allowance for use of a private automobile on official judicial branch business shall be established by order¹ of the supreme court and shall be presumed to include all automobile expenses. Additionally, judicial officers, juvenile court officers, court reporters, and court employees shall be reimbursed their mileage expense for travel required in the discharge of official duties within the continuous metropolitan area of their official domicile, but not for commuting.

- **22.18(3)** Transportation other than private automobile. Expenses for transportation other than private automobile are reimbursed on an actual incurred cost basis and must be claimed accompanied by an original receipt.
- **22.18(4)** Reimbursement of parking. Reimbursement for parking expense is allowable when mileage is claimed. Receipts for parking, taxi and/or other transportation expenses, are not required when the total amount, per day, does not exceed \$15. Receipts must be attached to the travel voucher for employees to receive reimbursement for the above expenses in excess of \$15 per day. [Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004]

Rule 22.19 Lodging.

22.19(1) *In-state.*

- a. Lodging expense is reimbursed as incurred when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person's official domicile. The name of the establishment where the expense is incurred shall be indicated on the claim form and the original receipt shall be attached. The single room rate is to be noted on the receipt when other than a single room was charged. Special rates for judicial officers, court reporters, and court employees are available at many motels and hotels in the state. An identification card identifying the holder as a judicial officer, court reporter, or court employee is usually necessary. Identification cards are available upon request from the office of the state court administrator. The allowance for lodging shall be the actual cost, but not exceeding \$55 (plus applicable taxes) per day.
- b. Judicial officers and court employees are to seek lodging facilities whose rates are within those prescribed in this rule or a reasonable explanation must be noted in the expense claim in order to be considered for reimbursement over the defined maximum rates. (See rule 22.21(6)). When seeking overnight lodging judicial officers and court employees should request the lowest of "state," "government," or "commercial" rates, as many facilities offer these "special" rates which a state employee can and should obtain.
- **22.19(2)** *Out-of-state.* Lodging expense is not limited outside the state, but the incurred expenditures are to be reasonable. Lodging for approved out-of-state travel shall be reimbursed for the night preceding and the night of the ending date of the authorized meeting. [Court Order November 9, 2001, effective February 15, 2002; June 16, 2006, effective July 1, 2006; January 4, 2012]

Rule 22.20 Meals.

- **22.20(1)** *In-state.* Incurred meal expense shall be reimbursed at "reasonable and necessary" cost when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person's official domicile. A maximum of \$37 per day may be reimbursed for meals, as outlined below; however, if departure from the official domicile is before 6 a.m., a notation must be included on the Travel Voucher. At the return of the trip, if arrival back at the official domicile is after 7 p.m., a notation to this effect must be included on the Travel Voucher. Meal allowance for travel will be as follows:
- a. Departure before 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for breakfast, lunch, and dinner up to a maximum of \$37.

^{1. 40} cents per mile, Supervisory Order 7/18/07, effective 8/1/07.

- b. Departure before 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for breakfast and lunch up to a maximum of \$18.
- c. Departure after 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for lunch and dinner up to a maximum of \$29.
- d. Departure after 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for lunch up to a maximum of \$10.
- **22.20(2)** *Out-of-state.* Meal expenses are not limited out-of-state, but the incurred expenses are to be reasonable. When in travel status, lunch and dinner the day preceding the meeting, and breakfast and lunch the day after a meeting, are reimbursable expenditures.
- **22.20(3)** Overnight lodging required. The provisions for meal reimbursement in rules 22.20(1) and 22.20(2) apply only when the travel includes overnight lodging. [Court Order November 9, 2001, effective February 15, 2002, May 8, 2006; July 18, 2007, effective August

1, 2007; February 21, 2019, effective March 1, 2019]

Rule 22.21 Miscellaneous travel provisions.

- **22.21(1)** Continuing education expenses. Provisions relating to "Official duties," "Travel," "Transportation," "Lodging" and "Meals" as used in rules 22.16 through 22.21 shall not be applicable to expenses for continuing education requirements for court reporters or court employees, unless otherwise ordered by the chief justice or the chief justice's designee.
- **22.21(2)** Examining Board expenses. Board of Law Examiners and Shorthand Reporters Examiners will be reimbursed actual and necessary expenses not to exceed one and one-half times the reimbursement allowances provided in rules 22.19 and 22.20.
- **22.21(3)** Living outside official domicile. When additional expense is incurred by reason of a court employee maintaining a permanent home in a city, town, or metropolitan area other than that person's official domicile, unless otherwise determined by the state court administrator, the additional expense is not reimbursable.
- **22.21(4)** Registration fees. Registration fees for authorized meetings and conferences are an allowable expense when accompanied by receipt.

22.21(5) Claim preparation.

- a. All claims shall be typewritten, or printed in ink, and signed by the claimant. Receipts for lodging, public transportation, and any authorized miscellaneous expenses shall be attached to the upper left-hand corner of the form. Claim for reimbursement for out-of-state travel shall be submitted for payment upon completion of the trip.
- b. Beginning March 1, 2019, any request for reimbursement of travel expenses must be submitted within 60 days of completion of travel.
- c. If reimbursement is sought pursuant to Iowa Code section 232.141, the district court administrator shall process the claim per rules and procedures of the applicable county and the department of human services.
- **22.21(6)** *Exceptions*. The chief justice or the chief justice's designee may grant exceptions to rules 22.16 through 22.21 as necessitated by unusual circumstances.
- **22.21(7)** *Refreshments.* The cost of refreshments served at meetings will not be reimbursed, except for educational programs sponsored and authorized by the chief justice or the chief justice's designee.

22.21(8) *Form.* A written request for travel authority from the chief justice or the chief justice's designee pursuant to rules 22.16 through 22.21 shall be in substantially the following form:

JUDICIAL BRANCH REQUEST FOR TRAVEL AUTHORITY

Outside of Iowa			
In-state, out of Judici	al District	Date	
Name			itted to Chief Justice of the
Title			e Chief Justice's designee prior to
Judicial District			late. See rules 22.16 to 22.21 fo time for submission.
DEPARTURE FROM:		DESTINATION:	
TRAVEL DATES (ROUND T	RIP):		
MODE OF TRAVEL:			
PURPOSE OF TRAVEL:		E AND DATES OF MEETING IFICATION FOR PROFESS:	G OR OTHER PURPOSE OF IONAL PURPOSES)
ESTIMATED COST:			
Transportation:			
Lodging:			
Meals:			
Other (Please Specify	[,]):		
Total:			
Anticipated Funding Source(s)):		
Approved as to form:			
		Person requesting ap	pproval
District Court Administrator		Supervising authorit	y (when applicable)
(initials)			
Request Approved/Denied:			
		Chief Judge	Date
Request Approved/Denied:		Chi of Issatis	Data
		Chief Justice Supreme Court of Io	Date
		(or Chief Justice's de	

[Court Order June 11, 1981; November 30, 1981 (Received for publication January 5, 1983); June 28, 1984; June 28, 1985, effective July 1, 1985; October 3, 1985, effective October 15, 1985; May 15, 1986, effective July 1, 1986; November 20, 1986, effective December 1, 1986; July 21, 1988, effective August 1, 1988; October 12, 1989, effective November 1, 1989; November 13, 1990, effective January 2, 1991; January 17, 1991; July 12, 1991, effective July 12, 1991, for expenses on or after January 2, 1991; December 16, 1994, effective December 16, 1994; December 16, 1994, effective January 2, 1995; January 3, 1996; March 21, 1996; July 26, 1996; November 5, 1996; December 21, 1999, effective January 1, 2000; May 26, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 21, 2019, effective March 1, 2019]

Rule 22.22 Gifts.

22.22(1) Judicial officers are not subject to the provisions of this rule, but shall be subject to the gift provisions of the Iowa Code of Judicial Conduct.

- **22.22(2)** Except as otherwise provided in this rule, an employee of the judicial branch or a member of that person's immediate family shall not, directly or indirectly, accept, receive or solicit any gift or series of gifts.
 - **22.22(3)** As used in this rule:
- a. "Employee" means any employee of the judicial branch other than a judicial officer subject to the gift provisions of the Iowa Code of Judicial Conduct.
- b. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given or received, if the donor is:
 - (1) A party or other person involved in a case pending before the donee.
- (2) A party or a person seeking to be a party to any sale, purchase, lease or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.
- (3) A person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.
 - c. "Gift" does not include:
- (1) Informational material relevant to the employee's duties, such as books, pamphlets, reports, documents or periodicals, or the cost of registration for an education conference or seminar which is relevant to the employee's duties.
- (2) Anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
 - (3) An inheritance or bequest.
- (4) Anything available or distributed to the public generally without regard to the official status of the recipient.
- (5) Actual expenses of a donee for food, beverages, travel, and lodging, which is given in return for participation at a meeting as a speaker, panel member or facilitator, when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.
 - (6) Plaques or items of negligible resale value given as recognition for public service.
- (7) Nonmonetary items with a value of \$3 or less that are received from any one donor during one calendar day.
- (8) Items or services solicited by or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member.
- (9) Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the judicial branch is a member.
 - (10) Funeral flowers or memorials to a church or nonprofit organization.
- (11) Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary.
 - d. "Immediate family" means the spouse and minor children of an employee of the judicial branch.
- **22.22(4)** For purposes of determining the value of an item, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value shall be the value actually received by the donee.
- **22.22(5)** An employee of the judicial branch or the person's immediate family member, may accept a nonmonetary gift or a series of nonmonetary gifts and not be in violation of this rule if the nonmonetary gift or series of nonmonetary gifts is donated within 30 days to a public body, the state court administrator, the department of general services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual.
- [Court Order June 30, 1980; July 31, 1987, effective August 3, 1987; December 29, 1992, effective January 1, 1993; August 19, 1993; November 9, 2001, effective February 15, 2002; April 30, 2010, effective May 3, 2010]

Rule 22.23 Honoraria.

22.23(1) An official or employee of the judicial branch shall not seek or accept an honorarium.

22.23(2) As used in this rule:

- a. "Honorarium" means anything of value that is accepted by, or on behalf of, an official or employee of the judicial branch as consideration for an appearance, speech or article if the donor is:
 - (1) A party or other person involved in a case pending before the donee.
- (2) A party or person seeking to be a party to any sale, lease, or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, lease, or contract or if the donee assists or advises the person with authority to approve the sale, lease, or contract.
- (3) A person who will be directly and substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.
 - b. "Honorarium" does not include:
- (1) Actual expenses of a donee for food, beverages, travel, lodging and registration which is given in return for participation at a meeting as a speaker, panel member or facilitator when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.
- (2) Payment to an employee for services rendered as part of outside employment which has been approved pursuant to the department's personnel policies, if the payment is commensurate with the actual activity or services rendered and not based upon the employee's position within the department, but, rather, because of some special expertise or other qualification.
- (3) Payment to a judge or magistrate for officiating and making return for a marriage pursuant to rule 22.29.
- (4) Payment to a judge or senior judge for instruction at an accredited education institution, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.
- (5) Payment to a part-time judge for services rendered as part of a bona fide business or profession in which the judge is engaged, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.
- (6) Payment to a senior judge for services rendered as an arbitrator or mediator, if the payment is commensurate with the actual activity or services rendered and not based upon the senior judge's official position. [Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.24 Interests in public contracts.

- **22.24(1)** A full-time official or employee of the judicial branch shall not sell any goods or services to any state agency.
 - 22.24(2) As used in this rule, "services" does not include any of the following:
- a. Instruction at an accredited education institution by a judge, senior judge or magistrate if permitted as a quasi-judicial or extrajudicial activity pursuant to the Code of Judicial Conduct or by an employee as part of outside employment which has been approved pursuant to the judicial branch's personnel policies.
- b. The preparation of a transcript by an official court reporter. [Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.25 Services against the state.

- **22.25(1)** No official or employee of the judicial branch shall receive, directly or indirectly, or enter into an agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.
- 22.25(2) As used in this rule, "appearance or service against the interest of the state" means an appearance or service which conflicts with a person's duties or employment obligations owed to the state.

[Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.26 Personal disclosure.

- **22.26(1)** Each official shall file a statement of personal financial disclosure in the manner provided in this rule. The disclosure must be filed even if there is no financial information to report. The disclosure must contain:
- a. A list of each business, occupation, or profession (other than employment by the judicial branch) in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.
- b. A list of any sources of income (other than income from employment by the judicial branch) if the source produces more than one thousand dollars annually in gross income. "Sources of income" includes those sources which are held jointly with one or more persons and which in total generate more than \$1000 of income. "Jointly" means the ownership of the income source is undivided among the owners and all owners have one and the same interest in an undivided possession, each with full rights of use and enjoyment of the total income. Sources of income that are co-owned but with ownership interests that are legally divisible, without full rights of use of enjoyment of the total income, need not be reported unless the person's portion of the income from that source exceeds \$1000. For purposes of this rule, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as a source of income.

Sources of income listed pursuant to this rule may be listed under any of the following categories:

- (1) Securities.
- (2) Instruments of financial institutions.
- (3) Trusts.
- (4) Real estate.
- (5) Retirement systems.
- (6) Other income categories specified in state and federal income tax regulations.
- **22.26(2)** The statement of personal financial disclosure shall be reported on forms adopted by the supreme court and shall be filed with the clerk of the supreme court on or by the first day of April each year or no later than 30 days after assuming office. The statement of personal financial disclosure forms shall be retained for a period of two years.

[Court Order December 29, 1992, effective January 1, 1993; Statement required April 1, 1994; November 9, 2001, effective February 15, 2002; November 22, 2004]

Rule 22.27 Definitions. As used in rules 22.22 to 22.26:

- **22.27(1)** "Employee" means a paid employee of the state of Iowa, including independent contractors, and does not include a member of a board, commission, or committee.
- **22.27(2)** "Official" means an officer of the judicial branch performing judicial functions, including an associate juvenile judge, a magistrate or referee, an associate probate judge, and the state court administrator, and does not include a member of a board, commission, or committee. [Court Order December 29, 1992, effective January 1, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.28 Transcripts — rates for transcribing a court reporter's official notes.

- **22.28(1)** Pursuant to Iowa Code section 602.3202, the maximum compensation of shorthand reporters for transcribing their official notes shall be as follows:
- a. Ordinary transcript (a transcript of all or part of the proceedings) \$3.50 per page for the original and one copy to the party ordering the original and 50 cents per page for each additional copy.
- b. Expedited transcript (a transcript of all or part of the proceedings to be delivered within seven calendar days after receipt of an order) \$4.50 per page for the original and one copy to the party ordering the original and 75 cents per page for each additional copy.
- c. Daily transcript (a transcript of all or part of the proceedings to be delivered following adjournment for the day and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day) \$5.50 per page for the original and one copy to the party ordering the original and \$1.00 per page for each additional copy.
- d. Unedited transcript (an unedited draft transcript produced as a byproduct of realtime or computer aided transcription software to be delivered on electronic media or paper) \$2.25 per page for the original and 25 cents per page for each copy. The unedited disk or printed draft transcript shall not be certified and may not be used to contradict the official district court transcript.
- e. Realtime transcript (an unedited draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings for viewing and retention) -

- \$2.75 per page for the original and \$1.00 per page for each copy. The unedited text of the proceedings shall not be certified and may not be used to contradict the official district court transcript. Litigants who order realtime services, and subsequently order an original certified transcript of the same proceeding, will not receive credit toward the purchase cost of the certified transcript. Only certified realtime reporters may be compensated for such transcripts.
- **22.28(2)** These rates of compensation shall apply to each separate page of transcript even if they are produced in a condensed transcript format.
- **22.28(3)** These rates of compensation shall be the same whether the transcript is produced in an electronic or paper format. A certified transcript may be sold in an electronic format only if a paper transcript is produced, certified, and filed with the clerk of court for the records of the court or delivered to the custodial attorney. No additional charge is permitted for an ASCII disk or other form of electronic media when it accompanies a paper transcript.
- **22.28(4)** Court reporters are only required to prepare ordinary transcripts. They may, but are not required to, produce the types of transcripts described in rule 22.28(1)(*b-e*). [Court Order March 15, 2007; November 9, 2009; May 27, 2010; April 4, 2012]

Rule 22.29 Marriage fees received by a judicial officer.

- **22.29(1)** A judge or magistrate may charge a fee for officiating and making return for each marriage solemnized at a time other than regular judicial working hours and at a place other than a court facility. This fee shall not exceed the sum of \$200.
- **22.29(2)** A judge or magistrate may charge the parties to the marriage for expenses incurred in solemnizing the marriage. In no event shall the expenses charged exceed the maximum amounts set by rules 22.16 through 22.21.
- **22.29(3)** The phrase "regular judicial working hours," for purposes of this rule, shall mean 8 a.m. to 5 p.m. Monday through Friday (except for legal holidays) for all judicial officers except magistrates, and for them the schedule fixed by the chief judge of the judicial district. [Court Order July 1, 1983; received for publication April 2, 1984; September 17, 1984; Court Order July 7, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; March 16, 2006]

Rule 22.30 Use of signature facsimile.

- **22.30(1)** In all instances where a law of this state requires a written signature by a justice of the supreme court, judge of the court of appeals, district judge, district associate judge, judicial magistrate, clerk of the district court, county attorney, court reporter, associate juvenile judge, associate probate judge, judicial hospitalization referee, probate referee, or law enforcement officer, any such officer may use, or direct and authorize a designee to possess and use, a facsimile signature stamp bearing that officer's signature or an electronically scanned signature of the officer pursuant to the provisions of this rule.
- **22.30(2)** Whether used personally by the officer whose signature it bears or by a designee of that officer, a facsimile signature stamp or electronically scanned signature must contain a true facsimile of the actual signature of that officer. The stamp or electronically scanned signature shall be kept in the secure possession of the officer or that officer's designee at all times, accessible only to the officer or the officer's designee.
- 22.30(3) An officer directing and authorizing a designee to possess and use a facsimile signature stamp or electronically scanned signature bearing that officer's signature shall execute a written designation of the authorization. The designation shall be addressed to the designee, by name or title, and shall specifically identify each category of documents to which the designee is authorized to affix the stamp or electronically scanned signature. The original of the written designation shall be filed with the district court administrator in the judicial district within which the officer is located; appellate judges and justices shall file their original designations with the clerk of the supreme court. A copy of the written designation shall be retained by the officer and by the designee.
- 22.30(4) A written designation made by an officer pursuant to rule 22.30(3) may be revoked, in writing, at any time by the officer who executed it, and shall stand automatically revoked upon that officer's ceasing to hold the office for any reason. A written revocation of designation shall be addressed to the former designee, in the same manner as the original designation. A copy of the written revocation shall be retained by the officer and by the former designee. A facsimile signature stamp in the possession of a former designee shall be forthwith returned to the officer who issued it, if available, or shall be destroyed by the former designee. A revoked electronically scanned signature shall be deleted.

22.30(5) Nothing contained in this rule shall abrogate any provision of Iowa Code section 4.1(39). [Court Order May 17, 1984; July 25, 1986, effective September 2, 1986; June 22, 1987, effective August 3, 1987; July 26, 1996; November 9, 2001, effective February 15, 2002; June 3, 2009; March 9, 2010]

Rule 22.31 Juror compensation.

- **22.31(1)** Compensation for a juror's first seven days of attendance and service on a case shall be \$30 per day, including attendance required for the purpose of being considered for service.
- 22.31(2) When a juror's attendance and service on a case exceed seven days, the rate of compensation shall be \$50 for each day after the seventh day.
- **22.31(3)** For purposes of juror compensation, the days of attendance and service do not have to be consecutive.

[Court Order September 25, 2006; October 22, 2007]

Rule 22.32 Magistrates — annual school of instruction. Each magistrate shall be required to attend a judicial branch school of instruction prior to taking office and annually thereafter unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.

[Court Order September 23, 1985, effective October 15, 1985; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.33 Nepotism. No judicial officer or employee of the judicial branch shall appoint, or continue to employ any person related by consanguinity or affinity within the third degree. This prohibition shall apply to any employment where a direct supervisory relationship exists between the judicial officer or employee and the person supervised.

In the event an employment situation exists within the judicial branch which is consistent with Iowa Code chapter 71 but inconsistent with this rule, the supervisor shall terminate the employment relationship prior to March 15, 1986. Every effort shall be made by the judicial branch to relocate within the branch any individual who is dismissed as a result of this rule.

[Court Order January 22, 1986, effective February 3, 1986; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.34 Judicial branch appointments. It is a policy of the judicial branch that all boards, commissions, and committees to which appointments are made or confirmed by any part of the judicial branch shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or committee, they shall consult with each other to avoid contravention of this policy.

[Court Order June 30, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 22.35 Service copies.

- **22.35(1)** After April 1, 1988, the clerk of court shall not make a part of the court file, or otherwise retain in the clerk's office, service copies of pleadings, orders, or writs.
- **22.35(2)** "Service copy" means the copy of the pleading, order, or writ attached to either the return of service or the document proving service.
- **22.35(3)** All returns of service shall specify what pleading, order, or writ was served. Returns of service of an original notice shall certify that a copy of the petition was served with the notice pursuant to Iowa R. Civ. P. 1.302.

[Court Order January 29, 1988, effective March 1, 1988; November 9, 2001, effective February 15, 2002]

Rule 22.36 Paper size and requested copies.

22.36(1) Paper size. All pleadings and other papers filed in the Iowa district courts and their small claims divisions shall be on 8½ inch by 11 inch size white paper of standard weight, with a margin of at least one inch at the top of each page. Exhibits attached to pleadings shall be of the same size as pleadings, reduced from their original size if necessary. Original documents, including wills, bonds, notes, foreclosed mortgages, and real estate contracts, may be filed on longer paper. Uniform Citation forms and other court forms smaller than 8½ by 11 inches shall be accepted for filing. The clerks of court shall not accept filings which do not substantially comply with this rule.

22.36(2) Requested copies. If counsel or any party requests file-stamped copies of pleadings or other papers to be returned by mail, an extra copy and a self-addressed, postage prepaid envelope, large enough to accommodate the copy being returned, must be included with the filing. No copy shall be returned by mail unless this rule is followed.

[Court Order May 12, 1989, effective July 3, 1989; March 20, 1991, effective July 1, 1991; November 9, 2001, effective February 15, 2002]

Rules 22.37 and 22.38 Reserved.

Rule 22.39 Staffing offices of clerks of court. The supreme court shall allocate staff to the clerk of court office in each county. The court shall take into account workload and availability of funds for state court operations. The court shall set the business hours of each office. To facilitate case processing, the court may allow each office of the clerk of court to operate without being open to the public for a portion of each day the office is open for business to enable an office to process its work without interruption.

[Court Order November 12, 2009]

Rule 22.40 Public business hours of offices of clerks of court. For purposes of Iowa Code section 4.1(34), the word "day" means the period of time defined by the public business hours of an office of the clerk of court as established by order of the supreme court. If the supreme court has by order closed an office of the clerk of court for an entire day, that day shall be treated as a holiday or a weekend. Nothing in this rule shall prevent a party from filing with the court pursuant to Iowa Rule of Civil Procedure 1.442(5).

[Court Order November 12, 2009]

CHAPTER 23 TIME STANDARDS FOR CASE PROCESSING

Rule 23.1	Time standards — considerations
Rule 23.2	Trial scheduling time standards
Rule 23.3	Estate time standards
Rule 23.4	Juvenile standards
Rule 23.5	Forms for implementing time standards
	* · · · · · · · · · · · · · · · · · ·

Form 1: Notice of Civil Trial-Setting Conference Form 2: Trial Scheduling and Discovery Plan

Form 3: Trial Scheduling and Discovery Plan for Expedited Civil

Action

CHAPTER 23 TIME STANDARDS FOR CASE PROCESSING

Rule 23.1 Time standards — considerations. The time standards contained in this chapter are subject to statutes and rules affecting the same proceedings.

[Court Order August 22, 1985, effective October 1, 1985; February 26, 1988, effective April 1, 1988; July 29, 1988, effective September 1, 1988; November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008]

- Rule 23.2 Trial scheduling time standards. The time standards commence from the time a case is filed except in indictable criminal cases where the time shall be measured from date the trial information or indictment is filed.
- **23.2(1)** Court administration shall schedule cases to commence trial within the following time standards:

a. Indictable Criminal	6 months
b. Simple Misdemeanors	4 months
c. Expedited Civil Actions	12 months
d. Torts (all except "complex civil")	18 months
e. Complex Civil	24 months
f. Other Law & Equity	12 months
g. Domestic—Dissolution & Modification	9 months
h. Domestic Abuse	2 months
i. Domestic—All Other	6 months
j. Small Claims & Infractions	4 months
AA A (A) YA	1 1 1 1 00 0(1)

23.2(2) If a party shows good cause for exceeding the trial time standards in rule 23.2(1), a court may order an extension of the time for trial to commence using the standards below as guidelines:

lay order an extension of the time for that to commence using the sta	mains below as guidennes.
a. Indictable Criminal	12 months
b. Simple Misdemeanors	6 months
c. Expedited Civil Actions	15 months
d. Torts (all except "complex civil")	24 months
e. Complex Civil	36 months
f. Other Law & Equity	18 months
g. Domestic—Dissolution & Modification	15 months
h. Domestic Abuse	4 months
i. Domestic—All Other	12 months
j. Small Claims & Infractions	8 months

[Court Order June 27, 2008, effective September 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 23.3 Estate time standards. Except for good cause shown, estates opened shall be closed within the following time standards:

a. Estates w/o admin. & small	100% in 6 months
b. Estates with full admin.	85% in 24 months
	100% in 36 months

[Court Order June 27, 2008, effective September 1, 2008]

Rule 23.4 Juvenile standards.

23.4(1) Detention and shelter hearings:

a. From detention facility admission to hearing 24 hours¹

b. From admission to shelter care facility pursuant to Iowa Code section 232.21

court order to hearing 48 hours¹

Excluding Saturday, Sunday, and legal holidays

23.4(2) Pre-adjudicatory hearings for physical and mental health examinations: a. From court ordered admission to detention or shelter care facility to hearing b. From filing, if juvenile is not in detention or shelter care facility, to hearing	15 days 30 days
23.4(3) Adjudicatory hearings:	1.7.1
a. From court ordered admission to detention or shelter care facility to hearing	15 days
b. From filing, if juvenile is not in detention or shelter care facility, to hearing	30 days
c. From entry of order for physical or mental examination to hearing	45 days
23.4(4) Dispositional hearings:	-
a. From entry of adjudicatory order to hearing, if juvenile is:	
In a detention or shelter care facility	30 days
Not in a detention or shelter care facility	40 days
b. From court ordered placement for physical or mental examination, following	
a delinquency or CINA adjudication, to hearing	60 days
23.4(5) Termination of parental rights (Iowa Code chapter 232):	-
a. From filing to hearing	60 days
b. From filing to disposition	5 months
[Court Order June 27, 2008, effective September 1, 2008]	

Rule 23.5 Forms for implementing time standards. Rule 23.5 — Form 1: Notice of Civil Trial-Setting Conference

In the Iowa Distric	t Court fo	T _E	County	
		No		
Plaintiff(s) / Petitioner(s) Full name: first, middle, last VS.		Notice of Civ	il Trial-Setting Conference	се
vs.		Use o	of this form is mandatory	
Defendant(s) / Respondent(s). Full name: first, middle, last				
To the parties or their attorneys of record	d:			
In accordance with Iowa Rule of Civ	/il Procedure	1.906, notice is h	Y	
for trial-setting conference on *	th		, at: □ a.m. <i>Time</i>	
before ${Person}$	at			
*This date shall be no earlier than 35 days a appeared unless set sooner by special order	ifter and no lat	ter than 50 days aft	er any defendant has answered or	
This conference shall be held: Check one	?			
By telephone with the conferen	ce call to be i	nitiated by	subswill initiate the call	e:
	Join leated to	Phone	number of court administrator	10
In person. Attorneys for all parties appearing in the in person if the party does not have an a		articipate at this co	onference. A party will participat	e
At this trial-setting conference, every cas Court Rules Chapter 23, Time Standards			time periods provided by Iowa	
Prior to the trial-setting conference, the p Court Rule 23.5—Form 2 (Form 3 for Ex			ling and Discovery Plan, Iowa	
In judicial districts that allow it, the partie Trial Scheduling and Discovery Plan and obtain a trial date from court administrati	then, prior to	the date schedu	lled for the trial-setting conferen	
The trial date that is agreed upon at this even if all parties agree, unless for a cru-				∍d,
The clerk of court will notify all counsel o	f record and	parties not repres	ented by counsel.	
Dated this day of	, 20 	Clerk of Court o	r District Court Administrator	
January 2015	Rule 23.5—Fo	rm 1	Page 1	of 1

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015]

Rule 23.5 — Form 2: Trial Scheduling and Discovery Plan

Do not file this form in an Expedited Civil Action case, instead use Form 3.

- This form is to be filed within 7 days after the parties' discovery conference and before the trial-setting conference with the court.
- · The parties should complete the entire form except as otherwise indicated.

2	In the Iowa District Court fo	or County
Fu ∨s —	aintiff(s) / Petitioner(s) Il name: first, middle, last efendant(s) / Respondent(s). Il name: first, middle, last	No Trial Scheduling and Discovery Plan Use of this form is mandatory Date Petition filed: / / mm
	pearances: nintiff(s) / Petitioner(s)	
De	fendant(s) / Respondent(s)	
lt is	s ordered:	
1.	Trial Note to parties: Unless you have obtained at the court will enter the date after the trial-setting countries. Trial of this case is set for ${Month}$ in the district court in the courthouse of the court	$\frac{1}{1}$, $\frac{1}{1}$,
2.		$\frac{1}{Day}$, $\frac{20}{Year}$, at $\frac{1}{Time}$ p.m cally with prior approval of the court.

Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, continued

3.	New parties List the time period or date when no new parties may be added.
	No new parties may be added later than 180 days before trial or by
4.	Transcripts and records All required agency records or prior criminal transcripts will be filed within 30 days of the date of this Plan or by
5.	Pleadings List the time period or date pleadings will be closed. Pleadings will be closed 60 days before trial or by
6.	Initial disclosures Check all that apply A. The parties have exchanged initial disclosures. B. The parties will provide initial disclosures no later than C. The parties have stipulated that the following will not be included in initial disclosures: List items not included
	D. The parties have stipulated not to provide any initial disclosures.E. The following party objects to providing initial disclosures on the following grounds:
	Identify the party and state all applicable grounds
7.	Discovery The parties have held a discovery conference as required by Iowa Rule of Civil Procedure 1.507. All written discovery will be served no later than 90 days before trial. All depositions will be completed no later than 60 days before trial. Or, all discovery will be completed by
	 Check all that apply A. No discovery of electronically stored information is expected in this case. B. The parties have conferred about discovery of electronically stored information and reached agreement as set out in Attachment C. The parties have conferred about discovery of electronically stored information and have been unable to reach an agreement. Note to parties: If box C is checked, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration. A hearing is set forII
	at the County Courthouse, courtroom, or, or
	at the following location:
	D. The parties have agreed to a discovery plan, and their agreement is set forth in Attachment
	E. The parties have agreed to deviate from the limits on discovery otherwise applicable to this action, and their agreement is set forth in Attachment

Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, continued

	F.	П	he parties have agreed to conduct discovery in phases, and their agreement is set forth ir uttachment
	G.		he parties have reached an agreement under lowa Rule of Evidence 5.502 as set forth in attachment
	H.		he parties have reached an agreement under lowa Rule of Civil Procedure 1.504 as set orth in Attachment
	L	2	The parties have conferred about a discovery plan and have been unable to reach greement on the issues set forth in Attachment Note to parties: If box I is checked, leaving formation blank unless the parties have obtained a hearing date, time, and location from court administration.
			hearing is set for//
			at the County Courthouse, courtroom, c
			at the following location:
8.	Ex	pert	vitnesses
	A.	the with	ty who intends to call an expert witness, including rebuttal expert witnesses, shall certify to ourt and all other parties the expert's name, subject matter of expertise, and qualifications, the following time period, unless the lowa Code requires an earlier designation date (see lowa Code section 668.11):
		(1)	Plaintiff: 210 days before trial or by
		(2)	Defendant/Third Party Plaintiff: 150 days before trial or by
		(3)	Third Party Defendant/Others/Rebuttal: 90 days before trial or by
	B.		disclosures required by lowa Rule of Civil Procedure 1.500(2)(b) will be provided:
		(1)	At the same time the expert is certified.
		(2)	According to the following schedule:
			a. Plaintiff: days before trial or by
			b. Defendant/Third Party Plaintiff: days before trial or by
			c. Third Party Defendant/Others/Rebuttal: days before trial or by
	C.	This	section does not apply to court-appointed experts.
	Stip rep	oulate resen	ines listed in paragraphs 5, 6, 7, and 8 may be amended, without further leave of court, by filing a Amendment to this Plan listing the dates agreed upon and signed by all attorneys and self- ed litigants. Such Stipulated Amendment may not override any requirement of the Iowa Court Rules of serve as a basis for a continuance of the trial date or affect the date for pretrial submissions.
9.	Pr	etria	submissions
			4 or (the parties may enter another number but not less than 7) days before trial, or the parties and self-represented litigants must:
	A.	self- mus Exh incli	witness and exhibit list with the clerk of court, serve a copy on opposing counsel and epresented litigants, and exchange exhibits. In electronic cases, witness and exhibit lists be electronically filed, and the EDMS system will serve copies on all registered parties. bits must be electronically submitted in lieu of exchanging them. These disclosures must be the following information about the evidence that the disclosing party may present at triathan solely for impeachment:

Rule 23.5-Form 2: Trial Scheduling and Discovery Plan, continued

- (1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying those the party expects to present and those the party may call if the need arises.
- (2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.
- (3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises. The following rules govern exhibits and exhibit lists:
 - Plaintiff will use numbers and Defendant will use letters. Pretrial exhibit lists will identify
 each exhibit by letter or number and description. Exhibits must be marked before trial.
 - b. Immediately before commencement of trial, the court must be provided with a bench copy, and the court reporter with a second copy, of the final exhibit list for use in recording the admission of evidence.
 - In nonjury cases, immediately before commencement of trial, parties must provide the court with a bench copy of all exhibits identified on the exhibit lists.
 - d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial, counsel and self-represented litigants must file with the clerk of court, and serve on each party, any objections to the exhibits listed. In electronic cases, any objections will be electronically filed, and the EDMS system will serve copies on all registered parties. Electronic filing of these objections must be done within 7 days of the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial. An objection not so made, except for one under lowa Rules of Evidence 5.402 or 5.403, is waived unless excused by the court for good cause.
- B. File and serve motions in limine, with supporting legal authority.
- C. File and serve all proposed jury instructions in a form to be presented to the jury, including a statement of the case, the stock jury instruction numbers, and verdict forms. The court must be provided the instructions in written form and electronically.
- D. Deliver to the judge and serve a concise **trial brief** addressing factual, legal, and evidentiary issues, with citation to legal authorities.

10. Motions

All motions including motions for summary judgment and except motions in limine, must be filed with the clerk of court's office or electronically filed at https://www.iowacourts.state.ia.us/EFile/ at least 60 days before trial, with copies to the assigned judge.

11.	. Settlement conference <i>Note to parties: If</i> A <i>or</i> B <i>is checked, leave any date blank; the court will fil the settlement conference date after the trial-setting conference.</i>					
	A.		A settlement conference will be held on $\frac{1}{Month}$ $\frac{20}{Near}$, at $\frac{1}{Near}$ $\frac{1}{Near}$ $\frac{1}{Near}$			
			at the County Courthouse.			
			All parties with authority to settle must be present.			
	B.		A settlement conference will be held on			
			at the following location			
			All parties with authority to settle must be present.			
	C.		A settlement conference will occur at a date, time, and location arranged by the parties.			
			All parties with authority to settle must be present.			

_ 2		66	3.0 3.	_ 22				
Rule	23.5—Form 2: 1	Erial Sche	duling and D	iscovery Plan, co	ontinued			
	D Π Δ se	ittlement	conferenc	e will be held	unon reques	et.		
					- 51 - 52 	e resolution inclu	dina nriv	rate mediation or
	arbitration.	are erioc	diaged to	consider alter	native disput	e resolution mola	allig priv	ate mediation of
12.	Settlement	s						
	The parties a	are resp	onsible for	immediately r	notifying the	court administrate	or of sett	lement.
13.	Late settle	ment fe	ees					
	Late settlem	ent fees	under low	a Rule of Civil	Procedure	1.909 are applical	ole.	
14.	Continuan	ces						
	governed by	lowa R	ule of Civil n and any	Procedure 1.9 Stipulated Am	910. In the e	or good cause. Mevent the trial date main in effect rela	is conti	nued, all time
15.	Notice							
	result in the limitation and	court im d exclus disputes	posing sar ion of evide regarding	nctions pursua ence and with oral agreemer	nt to Iowa R esses and p	r Stipulated Amer ule of Civil Proced ayment of costs o uling by reference	dure 1.60 r attorne	02(5), including ey fees. The court
16.	Other List a	additiona	l agreemeni	ts of the parties	for the Trial	Scheduling and Dis	covery P	lan
At le	ast one signati	ire to the	Trial Sched	duling and Disc	overy Plan is	required. The signs	er certifie	s that all listed
						iect to any objectio		
				eys to this ac erved with a		agreed to this Tr	ial Sche	eduling and
				. 20	/s			
Sign	ed: N	1onth	Day	Year	- 1915;	attorney's signatu	re	
Prin	ted name				Attorney's	law firm, if applica	able	
	57 89				_			
Mail	ing address				City		State	ZIP code
()							
Pho	ne number			Email a	ddress	Additional	email ad	dress, if available
				Stabil Propose word SSS and responsible for the contract				
					A Permit	os://www.iowacou		.ia.us/EFile/
Cop	ies to: counse	el of reco	ord, self-re _l	presented litig	ants, and co	urt administration		

For questions regarding documents filed with the court in this case, please see https://www.iowacourts.state.ia.us/ESAWebApp/SelectFrame or call the clerk of court.

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; April 1, 2015; September 25, 2015, effective November 25, 2015; March 7, 2018, effective January 1, 2019]

Rule 23.5 — Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action

Use of this form is mandatory in Expedited Civil Actions under Iowa Rule of Civil Procedure 1.281.

- This form is to be filed within 7 days after the parties' discovery conference and before the trial-setting conference with the court.
- · The parties should complete the entire form except as otherwise indicated.

<u> </u>	In the Iowa District Court	for County			
VS	laintiff(s) / Petitioner(s) ill name: first, middle, last s. efendant(s) / Respondent(s). ill name: first, middle, last	No Trial Scheduling and Discovery Plan for Expedited Civil Action Date Petition filed: / /			
	Appearances: Plaintiff(s) / Petitioner(s)				
De	fendant(s) / Respondent(s)				
1.	Trial Note to parties: Unless you have obtained court will enter the date after the trial-setting conformal of this case is set for ${Month}$	a.iii.			
	in the district court in the courthouse of the abo	.55V			
2.		ties: If box A is checked, leave the date blank unless you of administration. If you do not have a pretrial conference by order, after the trial-setting conferencea.m.			
	A. \square A pretrial conference will be held on \overline{h}	${Day}$, 20 at ${Time}$: ${}$ p.m.			
	The conference may be held telephon	ically with prior approval of the court.			
	B. A pretrial conference will be held upor	request.			
3.	New parties <i>List the time period or date whe</i>	en no new parties may be added.			
	No new parties may be added later than 180 c	lays before trial or by			
	c/ada/). Persons who are hearing or speech impaired may call Relay	sability coordinator (information at https://www.iowacourts.gov/for-the- lowa TTY (1-800-735-2942). Disability coordinators cannot provide legal			

Rule 23.5—Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action, continued

4.	Pleadings List the time period or date pleadings will be closed.		
	Pleadir	gs will be closed 60 days before trial or by	
5.	Initial disclosures. Check all that apply		
	A. 🗌	The parties have exchanged initial disclosures.	
	В. 🗌	The parties will provide initial disclosures no later than	
	C. 🗌	The parties have stipulated that the following will not be included in initial disclosures: List items not included	
	г П	The merting have stimulated met to manyide any initial displayure	
	D.	The parties have stipulated not to provide any initial disclosures.	
	E. 🗌	The following party objects to providing initial disclosures on the following grounds: Identify the party and state all applicable grounds	
		*	
6.	Disco	very	
	The pa	rties have held a discovery conference as required by Iowa Rule of Civil Procedure 1.507.	
		en discovery will be served no later than 90 days before trial. All depositions will be ted no later than 60 days before trial. Or, all discovery will be completed by	
	Chack	ll that apply and attach any appropriate exhibits	
	A.	No discovery of electronically stored information is expected in this case.	
	В. 🗌	The parties have conferred about discovery of electronically stored information and reached agreement as set out in Attachment	
	C. 🗌	The parties have conferred about discovery of electronically stored information and have been unable to reach an agreement. Note to parties: If box C is checked, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.	
		A hearing is set for / / . at: : \(\sigma\) m	
		at the County Courthouse, courtroom, or, or	
		at the following location:	
	D. 🗌	The parties have agreed to a discovery plan, and their agreement is set forth in	
		Attachment	
	E. 🗌	The parties have agreed to deviate from the limits on discovery otherwise applicable to this action, and their agreement is set forth in Attachment	
	F. 🗌	The parties have agreed to conduct discovery in phases, and their agreement is set forth in Attachment $\underline{\hspace{1cm}}$.	
	G. 🗌	The parties have reached an agreement under lowa Rule of Evidence 5.502 as set forth in Attachment	

Rule 23.5—Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action, continued

H.		The parties have reached an agreement under lowa Rule of Civil Procedure 1.504 as set forth in Attachment			
1.	·	The parties have conferred about a discovery plan and have been unable to reach agreement on the issues set forth in Attachment Note to parties: If box is checked, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.			
		A hearing is set for $\frac{1}{mm}$ $\frac{1}{dd}$ $\frac{1}{yyyy}$, at: $\frac{1}{Time}$ $\frac{1}{Time}$			
		at the County Courthouse, courtroom, or, or			
		at the following location:			
He	alth	care provider statement			
	Pro serv Sta	less otherwise stipulated or ordered by the court, a copy of any completed Health Care wider Statement in Lieu of Testimony, Iowa Rule of Civil Procedure 1.281(4)(g)(3), must be wed on all parties at least 150 days before trial. Any objection to the Health Care Provider ement must be filed with the court, together with a copy of the statement, within 30 days receipt of the statement.			
Ex	pert	witnesses			
A.	A. A party who intends to call an expert witness, including rebuttal expert witnesses, must certify the court and all other parties the expert's name, subject matter of expertise, and qualification within the following time period, unless the lowa Code requires an earlier designation date (see.g., lowa Code section 668.11):				
	(1)	Plaintiff: 210 days before trial or by			
	(2)	Defendant/Third Party Plaintiff: 150 days before trial or by			
	(3)	Third Party Defendant/Others/Rebuttal: 90 days before trial or by			
B.		disclosures required by Iowa Rule of Civil Procedure 1.500(2)(b) will be provided: ck each that applies			
	(1)	At the same time the expert is certified.			
	(2)	According to the following schedule:			
		a. Plaintiff: days before trial or by			
		b. Defendant/Third Party Plaintiff: days before trial or by			
		c. Third Party Defendant/Others/Rebuttal: days before trial or by			
C.	— This	s section does not apply to court-appointed experts.			
a Si rep	dead tipuld reser	dlines listed in paragraphs 4, 5, 6, 7, and 8 may be amended, without further leave of court, by filing the dates agreed upon and signed by all counsel and selfted litigants. Such Stipulated Amendment may not override any requirement of the Iowa Court Rules not serve as a basis for a continuance of the trial date or affect the date for pretrial submissions.			

Rule 23.5—Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action, continued

9. Pretrial submissions

At least 14 or ____ (the parties may enter another number but not less than 7) days before trial, counsel for the parties and self-represented litigants must:

- A. File a witness and exhibit list with the clerk of court, serve a copy on opposing counsel and self-represented litigants, and exchange exhibits. In electronic cases, witness and exhibit lists must be electronically filed, and the EDMS system will serve copies on all registered parties. Exhibits must be electronically submitted in lieu of exchanging them. These disclosures must include the following information about the evidence that the disclosing party may present at trial other than solely for impeachment:
 - (1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying those the party expects to present and those the party may call if the need arises.
 - (2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.
 - (3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises. The following rules govern exhibits and exhibit lists:
 - a. Plaintiff will use numbers and Defendant will use letters. Pretrial exhibit lists will identify each exhibit by letter or number and description. Exhibits must be marked before trial.
 - b. Immediately before commencement of trial, the court must be provided with a bench copy, and the court reporter with a second copy, of the final exhibit list for use in recording the admission of evidence.
 - In nonjury cases, immediately before commencement of trial, parties must provide the court with a bench copy of all exhibits identified on the exhibit lists.
 - d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial, counsel and self-represented litigants must file with the clerk of court, and serve on each party, any objections to the exhibits listed. In electronic cases, any objections must be electronically filed, and the EDMS system will serve copies on all registered parties. Electronic filing of these objections must be done within 7 days of the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial. An objection not so made, except for one under lowa Rules of Evidence 5.402 or 5.403, is waived unless excused by the court for good cause.
- B. File and serve **motions in limine**, with supporting legal authority.
- C. File and serve a complete set of joint jury instructions and verdict forms, in a form to be presented to the jury or judge, including a statement of the case and any stock jury instruction numbers. If there is any disagreement about an instruction or verdict form, each side must include its specific objections, supporting authority, and a proposed alternative instruction or verdict form for the court's approval. The court must be provided the instructions in written form and electronically.
- D. Deliver to the judge and serve a concise **trial brief** addressing factual, legal, and evidentiary issues, with citation to legal authorities.

10. Motions

All motions including motions for summary judgment and except motions in limine, must be filed with the clerk of court's office or electronically filed at https://www.iowacourts.state.ia.us/EFile/ at least 90 days before trial, with copies to the assigned judge.

Rule 23.5-Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action, continued

11. Settlements

The parties are responsible for immediately notifying the court administrator of settlement.

12. Late settlement fees

Late settlement fees under lowa Rule of Civil Procedure 1.909 are applicable.

13. Continuances

Continuances are discouraged and will only be granted for good cause. Motions to continue are governed by Iowa Rule of Civil Procedure 1.910. In the event the trial date is continued, all time deadlines in this Plan and any Stipulated Amendments remain in effect relative to the new trial date unless the court approves new deadlines.

14. Notice

Failure to comply with any of the provisions of this Plan or Stipulated Amendments to this Plan may result in the court imposing sanctions pursuant to lowa Rule of Civil Procedure 1.602(5), including limitation and exclusion of evidence and witnesses and payment of costs or attorney fees. The court will resolve disputes regarding oral agreements on scheduling by reference to this Plan or any Stipulated Amendments to this Plan.

	Amename						
15 . Other List additional agreements of the parties for the Trial Scheduling and Discovery Plan for Expedicivil Action					n for Expedited		
	listed parties	have joined			Expedited Civil Act Discovery Plan for		
I certify that a Discovery Pla			-	_	reed to this Tria	I Sched	duling and
			_, 20	/s			
Signed:	Month	Day	Year		ttorney's signature	* Sarah	
Printed name				Attorney's le	aw firm, if applicab	le	
– Mailing address				City	Si	tate	ZIP code
()							
Phone number			Email a	ddress	Additional er	nail addi	ress, if available
Original filed w	ith the clerk	of court or	electronically	y filed at <u>https</u>	://www.iowacourt	s.state.ia	a.us/EFile/.
Copies to: coul	nsel of reco	rd, self-repr	esented litiga	ants, and cour	t administration.		
For questions in https://www.iov					se, please see r call the clerk of	court.	
January 2019			Rule 23.5–	–Form 3			Page 5 of 5

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; April 1, 2015; September 25, 2015, effective November 25, 2015; March 7, 2018, effective January 1, 2019]

July 2009 Ch 24, p.1

CHAPTER 24

Reserved

CHAPTER 25 RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1	Definitions
Rule 25.2	General
Rule 25.3	Procedural
Rule 25.4	Technical

Rule 25.5 Supreme court and court of appeals

Rules 25.6 to 25.9 Reserved Rule 25.10 Forms

Form 1: News Media Coordinator's Notice of Request for

Expanded News Media Coverage of Trial or Proceeding

Form 2: Objection of Party to Expanded News Media Coverage

of Trial or Proceeding

Form 3: Objection of Witness to Expanded News Media Coverage

of Testimony

Form 4: News Media Coordinator's Notice of Request for

Expanded News Media Coverage of Appellate Court

Proceeding

CHAPTER 25 RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1 Definitions. As used in this chapter:

- **25.1(1)** "Expanded news media coverage" includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless otherwise ordered by the judicial officer.
- **25.1(2)** "Good cause" for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector that would be qualitatively different from the effect on members of the public in general.
- **25.1(3)** "Judicial officer" means the magistrate, district associate judge, or district judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.
- **25.1(4)** "Judicial proceedings" or "proceedings" includes all public trials, hearings, or other proceedings in a trial or appellate court, for which expanded news media coverage is requested, except those specifically excluded by this chapter.
- **25.1(5)** "News media" includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium and who successfully applies to participate in expanded news media coverage and agrees to comply with all court rules.
- **25.1(6)** "News media coordinator" includes news media coordinating councils as well as the designees of such coordinators or councils.

[Court Order November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

- **Rule 25.2** General. Expanded news media coverage of judicial proceedings will be permitted under the following conditions:
- **25.2(1)** *Prior authorization.* No expanded news media coverage shall occur without prior express authorization from the judicial officer, who may prescribe conditions of coverage as provided in this chapter.
- **25.2(2)** Rights to a fair trial. Expanded news media coverage of a proceeding is permitted, unless the judicial officer concludes, for reasons stated on the record, that under the circumstances of the particular proceeding, such coverage would materially interfere with the rights of the parties to a fair trial.
 - **25.2(3)** Coverage of witnesses.
- a. Expanded news media coverage of a witness may be refused by the judicial officer upon objection and showing of good cause by the witness.
- b. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, no expanded news media coverage of the testimony of a victim witness is permitted unless such victim witness consents.
- c. Objection by a victim or witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded news media coverage will not have a substantial effect upon the particular individual objecting to such coverage that would be qualitatively different from the effect on members of the public in general.
 - **25.2(4)** *Initial appearances in criminal proceedings.*
- a. Oral or written requests for expanded news media coverage of initial appearances in criminal proceedings must be made to the judicial officer presiding over the proceeding. Such expanded news media coverage, if authorized by the judicial officer, is subject to objection by the prosecutor, defendant, or defendant's attorney.
- b. The defendant shall be advised by the judicial officer of the defendant's right to orally object to expanded news media coverage prior to the commencement of the proceeding, and any such objection will be heard and determined by the judicial officer prior to the commencement of the proceeding. The judicial officer may rule on the basis of the oral objection alone.
- c. A judicial officer's authorization of expanded news media coverage of an initial appearance applies only to the particular initial appearance. Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately under rule 25.3(2)(b).

- **25.2(5)** *Private court proceedings.* Expanded news media coverage is prohibited for any court proceeding which, under Iowa law, is required to be held in private. Coverage is prohibited in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties, including a parent or guardian of a minor child.
- **25.2(6)** *Jury selection.* Expanded news media coverage of jury selection is prohibited. Expanded news media coverage of the return of the jury's verdict shall be permitted. In all other circumstances, however, expanded news media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings. The policy of the rules in this chapter is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.
- **25.2(7)** Court conferences. There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-attorneys, between attorneys and the judicial officer held at the bench or in chambers, or between judicial officers in an appellate proceeding.
- **25.2(8)** *Equipment.* The quantity and types of equipment permitted in the courtroom are subject to the discretion of the judicial officer within the guidelines set out in this chapter.
- **25.2(9)** Variance application. Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the judicial officer, upon application of the news media coordinator, may permit the use of equipment or techniques at variance with the rules, provided the application for variance is included in the advance notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided in rule 25.3(3). Ruling upon such a variance application is in the sole discretion of the judicial officer, who may allow such variances without advance application or notice if all attorneys and parties consent to the variance.
- **25.2(10)** Limiting coverage during proceeding. The judicial officer may, as to any or all news media participants, limit or terminate expanded news media coverage at any time during the proceedings in the event the judicial officer finds that rules established under this chapter, or additional rules imposed by the judicial officer, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of expanded news media coverage if it is allowed to continue.
- **25.2(11)** *Limited to news media.* The privileges of expanded news media coverage provided for in these rules may be exercised only by persons or organizations that are part of the news media.
- **25.2(12)** *Identification*. All news media personnel authorized to use electronic devices in the courtroom must wear identification, which is clearly visible to the judicial officer and members of the jury and which states the person's name and media affiliation.
- **25.2(13)** Ceremonial proceedings. A judicial officer may authorize expanded news media coverage of investitive or ceremonial proceedings at variance with the procedural and technical rules of this chapter as the judicial officer sees fit.

[Amended by Court Order September 26, 1984, effective October 10, 1984; November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

Rule 25.3 Procedural.

25.3(1) News media coordinator and coordinating councils. News media coordinators will be appointed by the supreme court from a list of nominees provided by a representative of the news media whom the supreme court designates. The judicial officer and all interested members of the news media will work, whenever possible, with and through the appropriate news media coordinator regarding all arrangements for expanded news media coverage. The supreme court will designate the jurisdiction of each news media coordinator. In the event a news media coordinator has not been nominated or is not available for a particular proceeding, the judicial officer may deny expanded news media coverage or may appoint an individual from among local working representatives of the news media to serve as the coordinator for the proceeding.

25.3(2) *Advance notice of coverage.*

a. All requests for expanded news media coverage in all proceedings, except initial appearances in criminal cases, shall be made to the news media coordinator. The news media coordinator, in turn, shall inform the attorneys for all parties and the judicial officer at least seven days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least seven days in advance, the news media coordinator or news media coordinating council must give notice of the request as soon as practicable after the proceeding is scheduled.

- b. Notice must be filed electronically or by paper copy with the appropriate clerk of court. A copy of the notice shall be sent electronically, delivered by ordinary mail, or delivered in person to the last known contact of all attorneys of record, parties appearing without attorney representation, the appropriate court administrator, and the judicial officer expected to preside at the proceeding for which expanded news media coverage is requested.
- c. Only one request for expanded news media coverage is required for all district court proceedings in the same case or trial, except that initial appearances in criminal cases require a separate request pursuant to rule 25.2(4).
- d. A separate request for expanded news media coverage must be made for Iowa Supreme Court and Iowa Court of Appeals oral arguments, pursuant to rule 25.5.
- e. Form 1 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of the proceeding.

25.3(3) Objections.

- a. A party to any proceeding, except an initial appearance in a criminal case, objecting to expanded news media coverage under rule 25.2(2) must file a written objection, stating the grounds for objection, at least three days before commencement of the proceeding.
- b. All witnesses must be advised by the attorney proposing to introduce their testimony of their right to object to expanded news media coverage, and all objections by witnesses under rule 25.2(3) must be filed prior to commencement of the proceeding.
- c. Witnesses shall be entitled to the assistance of the clerk of court in providing copies of this objection to all attorneys of record, parties appearing without attorney representation, the news media coordinator for the judicial district, the district court administrator for the judicial district, and the judicial officer expected to preside in the proceeding.
- d. All objections shall be heard and determined by the judicial officer prior to the commencement of the proceedings. The judicial officer may rule on the basis of the written objection alone.
- e. The objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the judicial officer directs. The judicial officer in absolute discretion may permit presentation of such evidence by the news media coordinator in the same manner.
- f. Time for filing of objections may be extended or reduced in the discretion of the judicial officer, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this chapter.
- g. Form 2 in rule 25.10 is the form for parties and Form 3 is the form for witnesses to use to object to expanded news media coverage of the proceeding.

[Court Order November 9, 2001, effective February 15, 2002; May 27, 2010; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014; July 22, 2016]

Rule 25.4 Technical.

- **25.4(1)** Equipment specifications. Equipment used by the news media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:
- a. Still cameras. Still cameras and lenses must be unobtrusive and not cause distracting light or sound.
- b. Television cameras and related equipment. Television cameras, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings are unable to determine when recording is occurring.
- c. Audio equipment. Microphones, wiring, and audio recording equipment must be unobtrusive and of adequate technical quality to prevent interference with the judicial proceeding being covered. The judicial officer must approve any changes in existing audio systems. No modifications of existing systems shall be made at public expense. Microphones for attorneys and judicial officers to use must be equipped with off/on switches to facilitate compliance with rule 25.2(7).
- d. Electronic devices. All electronic devices used for recording audio, video, or still images must adhere to rule 25.4(3)(a). All other electronic devices not used for recording audio, video, or still images must be unobtrusive and not cause distracting light or sound, and are not subject to the limitations of rule 25.4(3)(a). Electronic devices include, but are not limited to, laptop computers, cellular telephones, personal digital assistants, smart phones, and tablet computers.

- e. Advance approval. It is the duty of news media personnel to demonstrate to the judicial officer reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All news media equipment and personnel must be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
- **25.4(2)** *Lighting.* Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With authorization from the judicial officer modifications may be made in light sources existing in the courtroom (e.g., higher wattage lightbulbs), provided such modifications are installed and maintained without public expense.
- **25.4(3)** *Equipment and pooling.* The following limitations on the amount of equipment and number of photographic and broadcast news media personnel in the courtroom apply:
- a. Video recording, audio recording, and still photography. Not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four, to photograph, video, or record audio are permitted in the courtroom during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment that is not a component part of a camera or an electronic device and any operating personnel shall be located outside of the courtroom. Audio pickup for broadcast coverage must be accomplished from any existing audio system present in the courtroom if such pickup would be technically suitable for broadcast.
- b. Electronic devices not used for recording audio, video, or still images. The devices defined in rule 25.4(1)(d) may be used in the courtroom by members of the news media for live electronic reporting with advance approval from the judicial officer, provided the equipment does not make any disruptive noise or interfere with court equipment. Electronic devices may not be used for telephone calls by anyone in the courtroom. Electronic devices for photography, video recording, audio recording, or streaming video may not be used by anyone in the courtroom unless approved by the judicial officer in advance of the proceeding as defined in rule 25.4(3)(a). The rule applies to news media only as defined in rule 25.1. Use of such electronic devices by others is prohibited.
- c. Pooling. Where the above limitations on equipment and personnel make it necessary, the news media shall be required to pool equipment and personnel. Pooling arrangements are the sole responsibility of the news media coordinator, and the judicial officer will not mediate any dispute as to the appropriate news media representatives authorized to cover a particular judicial proceeding. Representatives of news media are responsible for contributing to electronic pool coverage of judicial proceedings when necessary. If a news organization is incapable of contributing to pool coverage, the news media coordinator may allow the news organization to share the pool coverage or may restrict the news organization's coverage.
- **25.4(4)** Location of equipment and personnel. Equipment and operating personnel, including news media using electronic devices to transmit and receive data communication, must be located in, and coverage of the proceedings must take place from, an area or areas the judicial officer designates within the courtroom. The area or areas designated shall provide reasonable access to the proceeding to be covered.
- **25.4(5)** Movement during proceedings. Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. News media personnel are prohibited from moving about the courtroom while proceedings are in session and from engaging in any movement that attracts undue attention.
- **25.4(6)** *Decorum.* All news media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

[Court Order October 9, 1975; December 22, 1981 — received and published May 1982; July 19, 1989; March 9, 1994, effective April 1, 1994; November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

Rule 25.5 Supreme court and court of appeals.

- **25.5(1)** Expanded news media coverage of oral arguments.
- a. All regularly scheduled Iowa Supreme Court and Iowa Court of Appeals oral arguments will be available for streaming over the Internet and expanded news media coverage. The rules in this chapter allowing objections to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.
- b. The prohibitions in rule 25.2(5) on the types of cases subject to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.
 - **25.5(2)** Expanded news media coverage.
- a. The rules in this chapter pertaining to expanded news media coverage apply to news media coverage occurring within the supreme court and court of appeals courtrooms in the Iowa Judicial Branch Building in Des Moines. Recordings of supreme court and court of appeals oral arguments made from other locations within the judicial building are not subject to the rules on expanded news media coverage.
- b. The rules in this chapter also apply to news media coverage occurring within any space, room, or auditorium in which the supreme court or court of appeals conducts oral argument outside of the Iowa Judicial Branch Building in Des Moines. Recordings made from any location outside the immediate space, room, or auditorium in which supreme court or court of appeals conducts oral arguments are not subject to the rules on expanded news media coverage.
- c. A written request for expanded news media coverage of oral arguments of the supreme court or court of appeals must be filed with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be held.
- d. Form 4 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the presiding justice or judge of a request for expanded news media coverage of the oral argument.

[Court Order February 17, 2006; April 9, 2009; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014; July 22, 2016]

Rules 25.6 to 25.9 Reserved.

Rule 25.10 Forms.

Rule 25.10—Form 1: News Media Coordinator's Notice of Request for Expanded News Media Coverage of Trial or Proceeding

The expanded news media coordinator uses this form to give notice of a request for expanded news media coverage to the
attorneys for all parties and the judicial officer at least seven days before the proceeding begins.

	In the lowa District Court for	County County where you are filing this form
		County where you are filing this form
Pla	aintiff Full name: first, middle, last	No
VS.	the configuration and the second seco	Request for Expanded News Media Coverage of Trial or Proceeding
De	fendant Full name: first, middle, last	
The	e undersigned news media coordinator state	es as follows:
1.	Certain representatives of the news media	want to use: Check each that applies
	A. Dhotographic equipment,	
	B. Television cameras,	
	C. Electronic sound recording equipments	ent, or
	D. Other electronic devices,	
	in courtroom coverage of the above proceed	eding.
2.	The case, trial, or proceeding to be covere scheduled for	☐ a.m.
	the day of, 20	, at ^{p.m.} at the
	Day Month Year	Time County
	County Courthouse, City	, lowa. The request for expanded news media
	coverage includes every part of such case 25 of the lowa Court Rules.	, trial, or proceeding as allowed under Chapter
3.	The request for expanded news media cov number of photographers with still camera	verage is described as follows (for example, the s):
	<i>s</i>	

Continued on next page

 $\label{lem:condinator} \textbf{Rule 25.10} \\ -\text{Form 1: } \textit{News Media Coordinator's Notice of Request for Expanded News Media Coverage of Trial or Proceeding, } \\ \text{continued}$

	This notice of request for expanded news media coverage is filed: Check one A. At least seven days in advance of the case, trial, or proceeding for which expanded news media coverage is requested; or B. This notice cannot be filed within seven days of the case, trial, or proceeding because of the following reasons:
5.	A copy of this notice will be sent electronically, delivered by ordinary mail, or delivered in person to the last known address of all attorneys of record, parties appearing without attorney representation, the district court administrator for this judicial district, and the judicial officer expected to preside at the trial or proceeding for which expanded news media coverage is requested, as follows: Attorneys:
	Automeys.
	Parties appearing without attorney representation:
	District sourt administratory
	District court administrator: Presiding judge:
i.	The undersigned news media coordinator requests expanded news media coverage of this proceeding as described in this notice.
	/s/
	News media coordinator's printed name
	Judicial District of Iowa
	Mailing address
	City State ZIP code () Phone number
	Email address
	Additional email address, if available

July 2016 Rule 25.10—Form 1 Page 2 of 2

Rule 25.10—Form 2: Objection of Party to Expanded News Media Coverage of Trial or Proceeding

- · This form is used when a party to the proceeding objects to expanded news media coverage of a trial or proceeding.
- · The party's objection must be filed three days before the start of the proceeding in the court in which the proceeding will be held.

ln '	the lowa District Court for	County where you are filing this form
Plaintiff Full name: first, middle, last		Objection of Party to Expanded News Media Coverage of Trial or Proceeding
De	fendant Full name: first, middle, last	=
The	e undersigned party, or the party identifie	d below, in this proceeding states as follows:
1.	There is a request for expanded news r	media coverage of this proceeding.
 There is good cause to believe that expanded news media coverage, under the p circumstances of this proceeding, would materially interfere with the right of the p fair trial. The following specific facts and circumstances support this objection: 		d materially interfere with the right of the party to a
3.	This objection is filed at least three days expanded news media coverage is requ	s before the start of the proceeding for which uested.
4.	delivered in person to the last known ac without attorney representation, the dist	electronically, delivered by ordinary mail, or ddress of all attorneys of record, parties appearing trict court administrator for this judicial district, and at the trial or proceeding for which expanded news
5.	The party objects to expanded news me stated above.	edia coverage of this proceeding for the reasons
	Print full name of party	/s/
		Law firm, or entity for which filing is made, if applicable
		Mailing address
		City State ZIP code () Phone number
		Email address
		Additional email address, if available
May	/ 2014 Rule	25.10—Form 2 Page 1 of 1

[Court Order December 22, 1981 — received and published May 1982; November 9, 2001, effective February 15, 2002; February 17, 2006; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014]

Rule 25.10—Form 3: Objection of Witness to Expanded News Media Coverage of Testimony

- A witness called to testify in a proceeding uses this form to object to expanded news media coverage of the testimony of the witness.
- An objection of the witness to expanded news media coverage of the testimony of the witness must be filed with the court at least three days before commencement of the proceeding.

In t	the lowa District Court for		County
		unty where you are filing this form	
Pla vs.	aintiff Name	NoObjection of Witness to Expa News Media Coverage of Tes	
De	fendant Name		
The	e undersigned witness, or witness identified be	elow, in this proceeding states as fo	llows:
1.	Expanded news media coverage is requeste begin in the near future.	ed for this proceeding, which is sche	duled to
2.	The witness expects to be called to testify in	this case.	
3.	The witness objects to expanded news med following specific reasons:	ia coverage of testimony of the with	ess for the
4.	The witness understands this objection mus days before commencement of the proceed		ast three
5.	The witness asks the clerk of court for assist attorneys of record, parties appearing without judicial district, the district court administrate expected to preside in this proceeding.	ut attorneys, the media coordinator f	or this
6.	The witness objects to expanded news med reasons stated above.	ia coverage of testimony of the witn	ess for the
	D. C. H.	/s/	
	Print full name of witness	Filing witness (or attorney if applicable)	
th 16	ote: A witness may file this form in paper with e clerk of court under lowa Court Rule 5.302(2), providing exceptions from electronic	Law firm, or entity for which filing is made Mailing address (optional for witness)	e, if applicable
1111	ing.		
ca wv Pe	you need assistance to participate in court due to a disability, II the disability coordinator (information at vw.iowacourts.gov/Representing_Yourself/ADAAccess). ersons who are hearing or speech impaired may call Relay wa TTY (1-800-735-2942). Disability coordinators cannot	City State () Phone number (optional for witness)	ZIP code
pr	ovide legal advice.	F	
May	/ 2014 Rule 25.10	Email address (optional for witness) —Form 3	Page 1 of 1
17-10-17		TO STATEMENT ST	이 아이들(지) (지원이)

[Court Order December 22, 1981 — received and published May 1982; July 19, 1989; November 9, 2001, effective February 15, 2002; February 17, 2006; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014]

Rule 25.10—Form 4: News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding

- · A separate request for expanded news media coverage must be made for appellate court oral arguments.
- A written request for expanded news media coverage within the supreme court and court of appeals courtrooms must be filed
 with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be
 held.

	In the Iowa Appellate Courts		
List.	Appellant or Appellee as captioned in the appeal	Appellate Case No News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding	
List	Appellant or Appellee as captioned in the appeal		
The	e undersigned news media coordinator states Certain representatives of the news media		
	 A. Photographic equipment, B. Television cameras, C. Electronic sound recording equipment, D. Other electronic devices, in courtroom coverage of appellate proceedings 	or	
2.	The proceeding to be covered by expanded the day of, 20	_, at $\frac{\Box}{Time}$ $\frac{\Box}{\Box}$ p.m. at the	
	☐ lowa Court of Appeals The request for expanded news media cover allowed under Chapter 25 of the lowa Court	erage includes every part of such proceeding as t Rules.	
3.	The request for expanded news media cove number of photographers with still cameras	erage is described as follows (for example, the):	

 $\label{eq:continuous} \textbf{Rule 25.10} - \textbf{Form 4: News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding, continued}$

Α.		No later than the Friday immediately preceding the week in which the argument is to be held; or
B.		This notice cannot be filed on or before the Friday immediately preceding the week in white argument is to be held because of the following reasons:
		,
per atto pre	rson orne	of this notice will be sent electronically, delivered by ordinary mail, or delivered in to the last known address of all attorneys of record, parties appearing without y representation, the state court administrator, and the justice or judge expected to at the oral argument for which expanded news media coverage is requested, as
Att	orne	ys:
— Pai	rtias	annearing without attorney representation:
— Pai	rties	appearing without attorney representation:
Pai	rties	appearing without attorney representation:
 Sta	ate C	appearing without attorney representation:
Sta	ate C esidir	Court Administrator:
Sta	ate C esidir	Court Administrator:
Sta	ate C esidir	court Administrator: ng Justice or Judge: dersigned news media coordinator requests expanded news media coverage of thi ding as described in this notice.
Sta Pre	ate C esidir	Court Administrator:
Sta	ate C esidir	court Administrator:
Sta	ate C esidir	court Administrator:
Sta	ate C esidir	Court Administrator: Ing Justice or Judge: Idersigned news media coordinator requests expanded news media coverage of this ding as described in this notice. Is/ News media coordinator's signature News media coordinator's printed name Mailing address
Sta	ate C esidir	court Administrator: Ing Justice or Judge: Idersigned news media coordinator requests expanded news media coverage of this ding as described in this notice. Is/

CHAPTER 26 RULES FOR INSTALLMENT PAYMENT PLANS AND OTHER COURT COLLECTION ACTIVITIES

Rule 26.1	Scope
Rule 26.2	Installment payment plans
Rule 26.3	Court debt collection procedures
Rule 26.4	Community service
Rule 26.5	Supervised probation
Rule 26.6	Form for installment payment plan order
	Form 1: Installment Payment Plan Order

CHAPTER 26 RULES FOR INSTALLMENT PAYMENT PLANS AND OTHER COURT COLLECTION ACTIVITIES

Rule 26.1 Scope. The following provisions govern installment payment plans and other collection activities of the judicial branch. These procedures shall apply to all court debt as defined in Iowa Code section 602.8107(1), and provide for the efficient and expeditious collection of court debt. [Court Order June 4, 2013, effective July 1, 2013]

Rule 26.2 Installment payment plans.

- 26.2(1) A person shall be instructed to pay the court debt with the office of the clerk of court on the date of imposition of the court debt.
- **26.2(2)** At sentencing or upon imposition of a fine, if a person establishes that the person does not have the financial means to pay the court debt in full on the date it is imposed, the judicial officer may order the person to pay the court debt in full within 30 days from the date it is imposed.
- **26.2(3)** At sentencing or upon imposition of a fine, if a person establishes that the person does not have the financial means to pay the court debt in full within 30 days from the date it is imposed, the judicial officer may:
- a. Instruct the person to contact the Centralized Collection Unit (CCU) to request a payment plan; or
 - b. Establish an installment payment plan pursuant to the rules contained in this chapter.
- **26.2(4)** If the total amount of court debt due at the time of imposition is \$300 or less, a judicial officer shall not order an installment payment plan.
- **26.2(5)** When ordering an installment payment plan, the judicial officer has discretion to require a down payment.
- **26.2(6)** Except in cases involving a restitution plan of payment pursuant to Iowa Code section 907.8 or 910.7, a judicial officer shall:
 - a. Require the first payment to be due no later than 30 days from the date of imposition;
 - b. Structure the payments to be due once a month; and
 - c. Require the payments to be at least \$50 each month.
- **26.2(7)** A judicial officer shall not order an installment payment plan for any court debt that is already deemed delinquent pursuant to Iowa Code section 602.8107(2)(d).
- **26.2(8)** A judicial officer shall not waive or forgive any installment payments or continue or extend the due date for any installment payment.
- **26.2(9)** If a person fails to make an installment payment within 30 days after the due date, the entire remaining debt shall be deemed delinquent and the judicial branch will immediately assign the entire remaining debt to CCU for additional collection procedures.
- **26.2(10)** If a person is granted a court-appointed attorney, the person shall be required to reimburse the state for the total cost of legal assistance provided to the person. Legal assistance shall include not only the expense of the public defender or an appointed attorney, but also the expense of transcripts, witness fees, expenses, and any other goods or services required by law to be provided to an indigent person entitled to an appointed attorney.
- a. If the person receiving legal assistance is convicted in a criminal case, the court shall order the payment of the total costs and fees for legal assistance as restitution to the extent the person is reasonably able to pay, or the court shall order the performance of community service in lieu of such payments, in accordance with Iowa Code chapter 910.
- b. If the person receiving legal assistance is acquitted in a criminal case or is a party in a case other than a criminal case, the court shall order payment of all or a portion of the total costs and fees incurred for legal assistance, to the extent the person is reasonably able to pay, after an inquiry that includes notice and reasonable opportunity to be heard.
- c. After the judicial officer makes a rule 26.2(10)(a) or (b) determination, the judicial officer shall set forth in the sentencing order the amount the person is required to pay for legal assistance.
- **26.2(11)** A judicial officer may modify an existing, nondelinquent installment payment plan to correct an error or omission regarding the amount of court debt defendant owes.
- 26.2(12) A judicial officer may combine a person's nondelinquent installment payment plans into a single installment payment plan or modify or restructure an existing, nondelinquent installment

payment plan to include new court debts if the combined, modified, or restructured installment payment is at least \$50 a month.

- **26.2(13)** A judicial officer shall not initiate court proceedings sua sponte as a means of collecting court debt. Once the court debt becomes delinquent 30 days after imposition or 30 days after an installment payment is due, the statutory procedures set forth in Iowa Code section 602.8107 govern. [Court Order June 4, 2013, effective July 1, 2013]
- Rule 26.3 Court debt collection procedures. Judicial officers shall comply with the following procedures with regard to court debt, whether or not subject to an installment payment plan: Except for collection orders, procedures, and arrangements that are the subject of a petition for judicial review, or a notice of bankruptcy from a federal court, a judicial officer shall not block, rescind, waive, modify, void, or stay any installment payment plan or other court debt collection agreement or procedure arranged, initiated, or enforced by a county attorney pursuant to Iowa Code section 602.8107(4) and Iowa Code section 321.210B, by CCU pursuant to Iowa Code section 602.8107(3), by a county treasurer pursuant to Iowa Code section 321.40(9), by the department of transportation pursuant to Iowa Code section 321.210A, by the department of revenue pursuant to Iowa Code section 8A.504, by the clerk of court pursuant to Iowa Code section 602.8103(6), or by a private collection agency approved by the state court administrator pursuant to Iowa Code section 602.8107(5). As used in this rule, court debt collection agreements and procedures include but are not limited to garnishments, administrative levies, wage assignments, installment payment plans, executions, income tax offsets, driver's license suspensions, vehicle registration holds, professional licensure suspensions, and other procedures authorized by law. [Court Order June 4, 2013, effective July 1, 2013]
- **Rule 26.4 Community service.** A judicial officer shall not order community service in lieu of monetary payment of court debt unless the judicial officer determines that community service will be prudent and effective for defendant and that the community service can be administered within existing court resources.
- **26.4(1)** A judicial officer shall not order community service if defendant's total court debt is \$300 or less.
- **26.4(2)** When defendant is not reasonably able to pay all or part of defendant's court debt, community service may be substituted in lieu of the following: monetary payment for fines; crime victim compensation program reimbursement; public agency restitution; court costs, including correctional fees approved pursuant to Iowa Code section 356.7; court-appointed attorney fees ordered pursuant to Iowa Code section 815.9, including the expense of a public defender; contribution to a local anticrime organization; or medical assistance program restitution.
 - **26.4(3)** A judicial officer shall not order community service in lieu of victim restitution.
- **26.4(4)** All orders for community service in lieu of monetary payment of court debt shall require defendant to perform the number of hours of community service that are equal to the total amount of the court debt divided by the current minimum State of Iowa wage rate.
- **26.4(5)** A judicial officer shall order a date by which defendant is to have completed the community service.
- **26.4(6)** A judicial officer shall not order community service in lieu of monetary payment of court debt that is already deemed delinquent pursuant to Iowa Code section 602.8107(2)(d) because it has not been paid within 30 days after it was assessed or within 30 days after the payment due date of an installment payment plan.

[Court Order June 4, 2013, effective July 1, 2013]

Rule 26.5 Supervised probation. If the judicial officer orders probation under Iowa Code chapter 907, defendant is subject to the conditions established by the judicial district department of correctional services subject to the approval of the court, including a restitution plan of payment. The probation plan of payment shall not incorporate any delinquent court debt obligations of defendant. [Court Order June 4, 2013, effective July 1, 2013]

Rule 26.6 Form for installment payment plan order. A court-ordered installment payment plan shall be in substantially the following form.

Rule 26.6 — Form 1: Installment Payment Plan Order.

In the Iowa District Court for	County
☐ State of Iowa, ☐ City of	No Installment Payment Plan Order (Not to be used for court debt of \$300 or less.)
Upon sentencing, it is ordered that Defencosts, fees, victim restitution, and attorney fees as or the day of, 20	dant shall pay any and all fines, surcharges, court rdered in Defendant's Judgment and Sentence dated
Note: Attorney fees and other costs, if unavailable record reflects in the clerk's office. Those amounts debt when they become available and are subject to and board fees, which are not included in the Install judgment for which Defendant is separately responsible.	s will be added to Defendant's total amount of court to the same terms as specified below. Sheriff room Iment Payment Plan Order, will be charged as a civil
Terms of Installment Payment Plan: Defendant (is) (is not) required to moderate court's office.	nake a down payment of \$ to the clerk of
Defendant shall make a minimum paymen beginning the day of, 20 and on the same day of each month thereafter, to the	
Failure to Make Installment Payments:	
Defendant is notified that if he or she fails amount as listed above within 30 days of the date Defendant's motor vehicle registration or suspension initiated. In addition, the total remaining court debt and up to 25% may be added to the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent amount of the delinquent of the d	on of Defendant's driver's license, or both, may be will be considered delinquent and sent to collection,
Order dated Judi	icial Officer

Please notify the clerk of court of any change of address.

Note: This installment payment plan does not affect the State of Iowa's procedure to intercept any state income tax refund or any vendor amounts due Defendant, or the clerk of court's ability to intercept monetary amounts held by the clerk of court and payable to Defendant.

[Court Order June 4, 2013, effective July 1, 2013]

July 2009 Ch 27, p.1

CHAPTERS 27 TO 30

Reserved

CHAPTER 31 ADMISSION TO THE BAR

Rule 31.1	Board of law	examiners
Rule 31.2	Registration by	y law students
Rule 31.3	Required exan	ninations
Rule 31.4	Admission by	transferred UBE score
Rule 31.5	Bar examination	on application; contents and deadlines
Rule 31.6	Fee	
Rule 31.7	Affidavit of in	tent to practice
Rule 31.8	Degree require	ement
Rule 31.9	Moral characte	er and fitness
Rule 31.10	Preservation o	f anonymity
Rule 31.11	Supreme court	t review
Rule 31.12	Admission of	attorneys from other jurisdictions; requirements and fees
Rule 31.13	Proofs of qual	ifications; oath or affirmation
Rule 31.14	Admission pro	hac vice before Iowa courts and administrative agencies
Rule 31.15	Permitted prac	ctice by law students and recent graduates
Rule 31.16	Registration of	f house counsel
Rule 31.17	Provision of le	egal services following determination of major disaster
Rule 31.18	Licensing and	practice of foreign legal consultants
Rule 31.19	Certification a	nd pro bono participation of emeritus attorneys
Rules 31.20 to 31.24	Reserved	
Rule 31.25	Forms	
	Form 1:	Application for Admission Pro Hac Vice—District Court
	Form 2:	Application for Admission Pro Hac Vice—Iowa Supreme
		Court

Disaster

Form 3:

Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major

CHAPTER 31 ADMISSION TO THE BAR

Rule 31.1 Board of law examiners.

31.1(1) *Composition.*

- a. The board of law examiners consists of five persons admitted to practice law in this state and two persons not admitted to practice law in this state. Members are appointed by the supreme court. A member admitted to practice law must be actively engaged in the practice of law in this state.
- b. Appointments are for three-year terms that commence on July 1 of the year in which the appointment is made. Vacancies must be filled for the unexpired term by supreme court appointment. Members may serve no more than three terms or nine years, whichever is less.
- c. Members must sign a written oath to faithfully and impartially discharge the duties of the office and must file the oath in the office of professional regulation. They will be compensated for their services in accordance with the provisions of Iowa Code section 602.10106.
- d. The supreme court may appoint temporary examiners to assist the board, who will receive their actual and necessary expenses to be paid from funds appropriated to the board.
- e. Members of the board of law examiners and the temporary examiners will be paid a per diem in an amount the supreme court sets for each day spent in conducting or grading the examinations of the applicants for admission to the bar and in performing administrative and character and fitness investigation duties. They will also be reimbursed for additional expenses necessarily incurred in the performance of such duties.
- f. The director of the office of professional regulation will designate an assistant director for admissions of the office of professional regulation to serve as the principal administrator for the board of law examiners. Wherever in this chapter a reference to the "assistant director" appears, it will refer to the assistant director for admissions of the office of professional regulation.
- g. The director of the office of professional regulation must, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget covering the board's operations for the upcoming fiscal year. Approval of the budget by the court authorizes payment as provided in the budget. A separate bank account designated as the admissions operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the admissions operating account for payment of the board's authorized expenditures.
- h. Claims against members of the board and the director, assistant directors, and the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669
- *i.* The board of law examiners and its members, employees, and agents; temporary law examiners; and the director, assistant directors, and the staff of the office of professional regulation are immune from all civil liability for damages for conduct, communications, and omissions occurring in the performance of and within the scope of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.
- *j.* Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the board of law examiners, its members, employees, or agents, or to the director, assistant director, and the staff of the office of professional regulation are privileged, and civil suits for damages predicated thereon may not be instituted.

31.1(2) *Duties.*

- a. The board may adopt rules to govern the method of conducting the bar examination. Such rules must be consistent with these rules and are subject to supreme court approval.
- b. The authority to pass on the sufficiency of applications for permission to take the bar examination is vested in the board of law examiners, subject to supreme court review.
- c. The members of the board authorized to grade examinations will make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board must also recommend to the supreme court for admission to practice law in this state all applicants who pass the bar examination and the Multistate Professional Responsibility Examination, and who meet the requisite character and fitness requirements. The board, in its discretion, may permit an applicant to take the bar examination prior to finally approving that person as to character and fitness. It

may impose specific conditions for admission based on its evaluation of character and fitness and must withhold recommendation of admission until those conditions are satisfied. An applicant who passes the bar examination must satisfy such character and fitness conditions and any other conditions imposed by the board within one year of the date of the applicant's passage of the examination. This period may be extended by the board upon the applicant's showing of good cause. If any conditions imposed are not satisfied within the applicable period of time, the applicant's passage of the examination is null and void and the applicant must retake the bar examination in order to gain admission. The supreme court will make the final determination as to those persons who are admitted to practice in this state.

d. An applicant who has passed the examination and is eligible for admission must be administered the lawyer's oath by a supreme court justice within one year of the date the bar examination score was posted or the date of fulfilling all eligibility requirements, whichever is later. An applicant who fails to be administered the oath within this deadline will no longer be eligible for admission and the applicant's passage of the examination will be null and void. This deadline may only be extended by the board upon a showing of exceptional circumstances.

[Court Order July 2, 1975; September 20, 1976; April 17, 1990, effective June 1, 1990; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 31.2 Registration by law students.

- **31.2(1)** Every person intending to apply for admission to the bar of this state by examination must, by January 15 of the year after the person commences the study of law in an accredited law school, register with the Iowa board of law examiners on forms furnished by the board and pay the required fee of \$50. The board may designate data submitted as a confidential record. Any confidential data must be segregated by the board and the assistant director from the portion of the registration filed as a public record.
- 31.2(2) If any person fails to so register, the board may, if it finds that a strict enforcement of this rule would work a hardship and that sufficient excuse exists for failing to comply with rule 31.2(1), waive the requirements of this rule as to the date of filing. Refusal of the board to waive such requirement will be subject to supreme court review. If the registration is not on file by the January 15 registration deadline set forth in rule 31.2(1), but is on file by December 1 immediately preceding the registrant's July examination or July 1 immediately preceding the registrant's February examination, the registration fee will be \$150. If the registration is not timely filed, but is on file by April 1 immediately preceding the registrant's July examination or November 1 immediately preceding the registrant's February examination, the registration fee will be \$250. This fee is not refundable and is in addition to the fee required under rule 31.6. The failure to file the registration by the January 15 deadline of rule 31.2(1) may result in delays in conducting the board's character and fitness investigation. The board will not expedite its character and fitness investigation because the registration form is not timely filed. The board may conclude the registrant should not be permitted to take the bar examination until the investigation is completed. The registrant will not be eligible for admission to the bar until the character and fitness process is completed.
- **31.2(3)** Registration as a law student under this rule is not deemed an application for permission to take the bar examination.
- **31.2(4)** The registration must be accompanied by letters prepared by three persons not related to the registrant by consanguinity or affinity attesting to the registrant's good moral character. The letters must be signed and include contact information for the reference provider. The letters must state how the reference knows the registrant, how long the reference has known the registrant, and the basis for concluding the registrant possesses good moral character.
- **31.2(5)** The board will review each registration and may require the personal presence of any registrant at such time and place as the board may prescribe for interview and examination concerning the registrant's character and fitness. The board may at any time find it advisable to make further inquiry into the character, fitness, and general qualifications of the registrant, and with regard to each registration, the board will have all of the powers given it in respect to inquiry and investigation of candidates for admission to the bar.

31.2(6) Applicants previously admitted to practice law in another state, the District of Columbia, or a territory of the United States are not required to comply with the law student registration requirement contained in this rule.

[Court Order July 2, 1975; September 20, 1976; December 16, 1983—received for publication May 30, 1984; February 16, 1990, effective March 15, 1990; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 112); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; April 9, 2009; December 10, 2012; August 21, 2013; April 25, 2014; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.3 Required examinations.

- **31.3(1)** *Iowa bar examination.* The provisions of this rule apply to the dates and content of the Iowa bar examination beginning with the February 2016, examination administration.
- a. Written examinations for admission to the bar will be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.
- b. The Iowa bar examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. The three-hour MEE component consists of six essay questions, the three-hour MPT component consists of two performance tests, and the MBE component consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores are no longer accepted.
- c. The MEE portion of the examination consists of questions from subjects the NCBE designates. Some MEE questions may include issues from more than one area of law. Subject matter outlines for the MEE are available on the NCBE website.
- d. Applicants must achieve a combined, scaled score of 266 or above to pass the examination. The bar examination results require a vote of at least four members of the board of law examiners admitted to practice law in Iowa.
 - **31.3(2)** *Multistate Professional Responsibility Examination.*
- a. Each applicant for admission by examination must earn a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the NCBE. The applicant's MPRE score must be on file with the board no later than April 1 preceding the July examination or November 1 preceding the February examination. MPRE scores will only be accepted for three years after the date the MPRE is taken.
- b. It is the responsibility of the applicant to ensure that a score report from the NCBE is sent to the board by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the bar examination may be addressed by the board, but a petition to post a score after the bar examination must be addressed by the supreme court. [Court Order July 2, 1975; September 17, 1984; October 23, 1985, effective November 1, 1985; January 3, 1996; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 101); July 26, 1996; September 12, 1996; October 3, 1997; July 11, 2000; November 9, 2001, effective February 15, 2002; August 28, 2006; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 16, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 31.4 Admission by transferred UBE score.

- **31.4(1)** *UBE score transferability.* An applicant who has earned a UBE score in another jurisdiction may transfer the UBE score and file an application for admission by transferred UBE score at any time on or after December 1, 2015, provided:
 - a. The transferred UBE score is NCBE-certified and is a combined, scaled score of 266 or above.
 - b. The application includes a nonrefundable administrative fee of \$900.
- c. The applicant causes the NCBE to transfer the UBE score no later than three months after the application is filed.

- d. The applicant has received an LL.B. or a J.D. degree from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated. Proof of this requirement will be by affidavit of the law school's dean on the board's dean's affidavit form. The affidavit must be made before an officer authorized to administer oaths and having a seal.
 - e. The applicant has earned a scaled score of at least 80 on the MPRE administered by the NCBE.
- f. The applicant has not been denied admission or permission to sit for a bar examination by any jurisdiction on character and fitness grounds.
- **31.4(2)** *Time limits for transferring a UBE score*. A UBE score can be transferred to Iowa subject to the following time limits:
- a. Any applicant may transfer a qualifying UBE score without a showing of prior legal practice if the score was from a UBE administered within two years immediately preceding the transfer application filing date.
- b. An attorney applicant may transfer a qualifying UBE score up to five years after the examination was taken upon proof that the applicant regularly engaged in the practice of law for at least two years of the last three years immediately preceding the transfer application filing date. For the purposes of this rule, "regularly engaged in the practice of law" means the applicant has practiced law for at least 1000 hours per year. The board may require the applicant to provide a certificate of regular practice required for motion applicants under Iowa Court Rule 31.13(1)(b) that addresses the period of practice this rule requires.
 - **31.4(3)** *Character and fitness investigation.*
- a. The board will investigate the moral character and fitness of any applicant for admission by transferred UBE score and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report on the applicant. The board may require that an applicant obtain, at applicant's expense, an investigative report from the NCBE if, in the board's judgment, the application reveals substantial questions regarding the applicant's character or fitness to practice law. Any applicant obtaining an NCBE investigative report must pay the NCBE required fee in addition to the administrative fee. The board's decision to require an NCBE report is not subject to review.
- b. The board may impose specific character and fitness or other conditions for admission on the applicant and will withhold recommendation of admission until those conditions are satisfied.
- **31.4(4)** *Time for satisfying admission requirements.* Applicants for admission by transferred UBE score must satisfy all requirements for admission to the bar of this state within one year after the date of written notification to the applicant that the transfer application has been granted or of the conditions the board has imposed. The one-year period may be extended by the board upon the applicant's showing of good cause. The supreme court will make the final determination as to those persons who will be admitted to the practice in this state.
- **31.4(5)** Only certified UBE scores will be accepted. The board will not accept transferred scores unless they are certified as UBE scores by the NCBE and will not address petitions to treat a noncertified score as a UBE score.
 - **31.4(6)** Oath or affirmation before Iowa Supreme Court; exceptions.
- a. An applicant who is granted admission by transferred UBE score must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.
- b. An applicant may file a petition seeking permission to be administered the lawyer's oath or affirmation in the jurisdiction in which the applicant is currently licensed or before a judge advocate general if the applicant is currently a member of one of the armed services of the United States. The petition must set forth in detail: the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice; the name, title, business address, and telephone number of the justice, judge, clerk of court, court administrator, or judge advocate general who will administer the lawyer's oath or affirmation; and the statute or court rule authorizing that person to administer an oath or affirmation.
- c. If the supreme court grants the petition, the office of professional regulation will forward all required documents to the applicant. The applicant will be deemed admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.
- d. The applicant must take the lawyer's oath or affirmation from an Iowa justice, or file the completed paperwork from an out-of-state oath or affirmation, within one year after the date the application for admission is granted or the application will be deemed to be denied.

- **31.4(7)** Stale applications. An application for admission by transferred UBE score that the board has not granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation, except when the board has imposed specific character and fitness or other conditions for admission on the applicant under rule 31.4(3).
- a. Before the one-year withdrawal date, an applicant may request an extension. If the board finds that administrative withdrawal of the application would work a hardship on the applicant and that sufficient cause exists, the board may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.
- b. The board's denial of an application to extend the withdrawal date is subject to supreme court review upon the applicant's request.

[Court Order June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 102); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; September 17, 2008; October 15, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.5 Bar examination application; contents and deadlines.

- **31.5(1)** The board of law examiners and the assistant director will prepare such forms as may be necessary for application for examination. The application must require the applicant to demonstrate the applicant is a person of honesty, integrity, and trustworthiness, and one who appreciates and will adhere to the Iowa Rules of Professional Conduct as adopted by the supreme court, together with such other information as the board and the assistant director determine to be necessary and proper.
- 31.5(2) Every applicant for admission to the bar must make application, under oath, and upon a form furnished by the assistant director. The applicant must file the application with the assistant director no later than April 1 preceding the July examination or November 1 preceding the February examination. An applicant who fails the Iowa bar examination and wants to take the next examination must file a new application within the above deadlines or within 30 days of the date the applicant's score is posted in the office of professional regulation, whichever is later. There will be no waiver of these deadlines. If any changes occur after the application is filed that affect the applicant's answers, the applicant must amend the application. A new and complete application must be filed for each examination for admission.
- 31.5(3) The board may designate portions of the data submitted for this purpose by the applicant or third parties as a confidential record. The board and the assistant director must segregate that portion of the application data deemed confidential from the portion that is filed as a public record. In the event of a request for a hearing on character or fitness under rule 31.9(2) following an initial determination by the board, it may designate any additional information received at the hearing and all proceedings before the board as a confidential record.

[Court Order October 14, 1968; July 2, 1975; November 21, 1977; March 20, 1987, effective June 1, 1987; February 16, 1990, effective March 15, 1990; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 103); November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.6 Fee. Every applicant for admission to the bar upon examination must, as a part of the application, remit to the Iowa board of law examiners an application fee. For applicants not previously admitted to practice law in any other state, the District of Columbia, or a territory of the United States, the fee is \$550. For applicants previously admitted to practice law in another state, the District of Columbia, or a territory of the United States, the fee is \$800. This fee is not refundable and cannot be applied to a subsequent application. The full fee must be remitted within the deadline for filing the bar application under rule 31.5(2).

[Court Order July 2, 1975; December 16, 1983—received for publication May 30, 1984; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 113); October 11, 2001; November 9, 2001, effective February 15, 2002; August 21, 2013; October 15, 2015; September 14, 2017, effective November 2, 2017; October 24, 2019, effective January 1, 2020]

Rule 31.7 Affidavit of intent to practice.

- **31.7(1)** All applicants for the Iowa bar examination must demonstrate a bona fide intention to practice law in Iowa or another UBE jurisdiction. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.
- 31.7(2) The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes.

[Court Order July 2, 1975; November 21, 1977; October 28, 1982; December 30, 1983; April 25, 1985; March 23, 1994, effective July 1, 1994; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 105); November 9, 2001, effective February 15, 2002; October 15, 2015]

Rule 31.8 Degree requirement.

- **31.8(1)** No person will be permitted to take the examination for admission without proof that the person has received the degree of LL.B. or J.D. from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated from the school. Proof of this requirement must be by affidavit of the dean of such law school, and must show that the applicant has actually and in good faith pursued the study of law resulting in the degree required by this rule. The affidavit must be made before an officer authorized to administer oaths and having a seal.
- **31.8(2)** If an applicant is a student in such a law school and expects to receive the degree of LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant may be permitted to take the examination upon the filing of an affidavit by the dean of said school stating that the dean expects the applicant to receive such a degree within this time. No certificate of admission or license to practice law can be issued until the applicant has received the required degree. If the applicant fails to obtain the degree within the 45-day period, the results of the applicant's examination will be null and void.

[Court Order July 15, 1963; February 9, 1967; December 30, 1971; February 15, 1973; July 2, 1975; November 21, 1977; June 13, 1983; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 106); May 2, 1997; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.9 Moral character and fitness.

- 31.9(1) The Iowa board of law examiners may make an investigation of the moral character and fitness of any applicant and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report.
- a. Immediately upon the filing of the application, the chair of the Iowa board of law examiners must notify the president of a local bar association and the county attorney of the county in which the applicant resides of the filing of the application. If either of said officers is possessed of information that reflects adversely on the moral character or fitness of the applicant, such information must be transmitted to the chair of the board of law examiners not less than 60 days in advance of the holding of the examination.
- b. The Iowa board of law examiners will, subject to supreme court review, determine whether or not the applicant is of good moral character and fitness. In making its determination, the board may consider the applicant's candor in the application process and in any interactions with the board or its staff
- **31.9(2)** Denial of permission to take bar examination; denial of recommendation for admission. When the board of law examiners determines that any person who registers or makes application should not be permitted to take a bar examination, or that an applicant who has passed a bar examination should not be recommended for admission to practice law in Iowa, the board must notify the applicant in writing of its determination.
- a. The notice must provide that the applicant is entitled to a hearing to challenge the determination upon filing a written request for hearing with the assistant director within 10 days after service of the notice.
- b. The assistant director must serve the notice on the applicant by mail to the address shown on the applicant's application.
 - c. If no request for hearing is filed, the board's determination will be final and not subject to review.
- d. If a request for hearing is filed, the chair of the board must appoint an attorney member of the board to act as a hearing officer. The hearing officer must promptly set a hearing, and the assistant

director must notify the applicant by mail at least 10 days before the hearing date of the time and place of hearing.

- e. Not less than 10 days before the hearing date, the board must furnish the applicant with copies of all documents and summaries of all other information the board relied on in making its determination.
- f. The clerk of court in the county where the hearing is held has authority to issue any necessary subpoenas for the hearing.
- g. At the hearing, the applicant has the right to appear in person and by counsel. The board may be represented by the attorney general of the State of Iowa or a duly appointed assistant attorney general. The hearing must be reported. The hearing officer may take judicial notice of the information the board considered in the case and may consider such additional evidence and arguments as may be presented at the hearing. At the hearing, the board may first present any additional evidence or information that it deems necessary to the proceeding. Thereafter the applicant may present evidence. The attorney for the board may offer rebuttal evidence at the discretion of the hearing officer. In presiding at the hearing, the hearing officer will have the power and authority administrative hearing officers possess generally.
- h. Within 30 days after completion of the hearing, the hearing officer must provide the board with a hearing transcript, exhibits, and findings of fact and conclusions of law. Based on this information, the board will prepare and file its final determination with the assistant director. The assistant director must, by mail, promptly notify the applicant of the board's final determination.
- 31.9(3) Supreme court review. Any applicant aggrieved by a final determination of the board made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the supreme court within 20 days of the mailing of notice of final determination. The petition must be accompanied by a \$150 fee. If no such petition is filed within the 20-day period, the board's determination is not subject to review. A petition for review must state all claims of error and reasons for challenging the board's determination. The board must transmit to the supreme court its files and the complete record in the case. Unless the court orders otherwise, the petition is deemed submitted for the court's review on the record previously made. After consideration of the record, the court may enter its order sustaining or denying the petition. The order of the court will be conclusive. No subsequent application for admission by a person denied under rule 31.9(2) will be considered by the board unless authorized by the court upon the applicant's motion accompanied by a prima facie showing of a substantial change of circumstances.
- **31.9(4)** Costs of review. In the event an applicant or person who is registered petitions for review under rule 31.9(3) and is unsuccessful, the costs of the review will be taxed against the unsuccessful applicant and judgment therefor may be entered in the district court of that person's county of residence, if an Iowa resident, or in the district court for Polk County if a nonresident.
- **31.9(5)** Failure to comply with support order. The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who fails to comply with a support order.
- a. Procedure. The Child Support Recovery Unit (CSRU) may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.20(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.20(2).
- c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.
- d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the director of the office of professional regulation is authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify applicants subject to enforcement under Iowa Code chapter 252J or 598.
- **31.9(6)** The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission.

- a. Procedure. The Iowa College Student Aid Commission may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.21(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.21(2).
- c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the court.
- 31.9(7) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU).
- a. Procedure. The CCU may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.22(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of the district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.22(2).
- c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.
- d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the director of the office of professional regulation is authorized to share information with the CCU for the sole purpose of allowing the CCU to identify applicants subject to enforcement under Iowa Code chapter 272D.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 104); December 20, 1996; November 25, 1998; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 31.10 Preservation of anonymity. Each applicant permitted to take the bar examination will be randomly assigned a number prior to the examination, by which number the applicant will be known throughout the examination and grading process.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 107); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.11 Supreme court review.

- **31.11(1)** Extraordinary circumstances. An unsuccessful applicant whose combined, scaled score on the bar examination is at least 260, but less than 266, may file a petition in the supreme court requesting review of the board's determination. However, the board's decision regarding an applicant's score is final and will not be reviewed by the court absent extraordinary circumstances. "Extraordinary circumstances" would include issues such as the board's refusal to correct a clear mathematical error, but would not include a claim that the board erred in the grade assigned to a particular answer.
- **31.11(2)** Petition for review. The petition must be filed with the clerk of the supreme court and served upon the board. The petition must be filed within 20 days of the date the applicant's score is posted in the office of professional regulation and must be accompanied by a \$150 fee. The petition must identify in detail the extraordinary circumstances requiring supreme court review of the board's determination. If a petition is not filed within the 20-day period, the board's determination is not subject to review.
- 31.11(3) Supreme court order. Upon request of the court, the board will transmit to the supreme court the complete record in the case. All documents submitted for the court's review, other than

the applicant's petition, are confidential. Unless the court orders otherwise, the court will review the petition on the record previously made. After consideration of the record, the court will enter its order sustaining or denying the petition. The order of the court is conclusive.

[Court Order July 2, 1975; September 20, 1976; April 25, 1985; March 31, 1986, effective May 1, 1986; April 17, 1990, effective June 1, 1990; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 117.1) July 19, 1999; November 9, 2001, effective February 15, 2002; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; February 20, 2012; July 13, 2012; October 15, 2015; November 16, 2018, effective December 15, 2018]

Rule 31.12 Admission of attorneys from other jurisdictions; requirements and fees.

- **31.12(1)** An applicant who meets the requirements of this rule and rule 31.13 may, in the discretion of the court, be admitted to the practice of law in this state without examination.
- **31.12(2)** The applicant must file the application with the National Conference of Bar Examiners through its online character and fitness application process unless an exception is granted by the office of professional regulation. The applicant must pay a nonrefundable administrative fee of \$900 to the office of professional regulation at the time of filing the application. The character investigation services of the National Conference of Bar Examiners must be procured in all cases where application for admission on motion is made. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.
- 31.12(3) The application and supporting documents must contain specific facts and details as opposed to conclusions and must demonstrate the following:
- a. The applicant has been admitted to the bar of any other state of the United States, the District of Columbia, or a territory of the United States; has regularly engaged in the practice of law for at least five of the last seven years immediately preceding the date of the application; and still holds a license. For the purposes of this rule, "regularly engaged in the practice of law" means the applicant has practiced law for at least 1000 hours in that year.
- b. The applicant is a person of honesty, integrity, and trustworthiness, and one who will adhere to the Iowa Rules of Professional Conduct. In evaluating this factor the court may consider any findings filed with the office of professional regulation by the Commission on the Unauthorized Practice of Law pursuant to Iowa Court Rule 37.3.
 - c. The applicant is not currently subject to lawyer discipline in any other jurisdiction.
- 31.12(4) The applicant must provide such information as the court deems necessary and proper in connection with the application. If any changes occur that affect the applicant's answers, the applicant must immediately amend the application.
 - **31.12(5)** The applicant must designate the supreme court clerk for service of process.
 - 31.12(6) For purposes of this rule, the practice of law includes the following activities:
 - a. Representation of one or more clients in the practice of law.
 - b. Service as a lawyer with a local, state, or federal agency.
- c. The teaching of law as a full-time instructor in a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association in this state or some other state.
- d. The discharge of actual legal duties as a member of one of the armed services of the United States, if certified as the practice of law by the judge advocate general of such service.
 - e. Service as a judge in a federal, state, or local court of record.
 - f. Service as a judicial law clerk.
 - g. Service as corporate counsel.
- h. Service as an employee or officer of any business, but only if such service would ordinarily constitute the practice of law and was performed in a jurisdiction in which the applicant has been admitted to practice.
- **31.12(7)** For purposes of this rule, the practice of law does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.
 - 31.12(8) The following applicants are not eligible for admission on motion:
- a. An applicant who has failed a bar examination administered in this state within five years of the date of filing of the application under this rule.
 - b. An applicant who has failed five or more bar examinations.
- c. An applicant whose Iowa license is in exempt or inactive status under the provisions of Iowa Court Rule 39.7 or 41.7.

- d. An applicant who has been disbarred and not reinstated or whose license is currently suspended in any other jurisdiction.
- **31.12(9)** An application for admission without examination that has not been granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation. Before the one-year withdrawal date, an applicant may request an extension. If the court finds that administrative withdrawal of the application would work a hardship on the applicant and that sufficient cause exists, the court may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.

[Court Order July 2, 1975; September 20, 1976; February 12, 1981; Note September 30, 1981; Court Order December 17, 1982; December 30, 1983; April 23, 1985; November 8, 1985; March 31, 1986, effective May 1, 1986; November 21, 1991, effective January 2, 1992; November 30, 1994, effective January 3, 1995; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 114); May 2, 1997; October 11, 2001; November 9, 2001, effective February 15, 2002; February 22, 2002; April 20, 2005, effective July 1, 2005; August 6, 2007; February 14, 2008, effective April 1, 2008; October 15, 2008; August 10, 2009; January 19, 2010; July 13, 2012; December 10, 2012; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.13 Proofs of qualifications; oath or affirmation.

- **31.13(1)** Required certificates and fingerprint card. To qualify for admission under rule 31.12, an applicant must file the following with the office of professional regulation:
 - a. A certificate of admission in the applicant's state of licensure.
- b. A certificate from one or more of the following individuals establishing that the applicant was regularly engaged in the practice of law in the applicant's state or states of licensure for at least five of the last seven years immediately preceding the date of the application: a clerk or judge of a court of record, a judge advocate general, or an administrative law judge. If, due to the nature of the applicant's practice, the applicant cannot obtain a certificate from a clerk, judge, judge advocate general, or an administrative law judge, the applicant must file a petition seeking leave to file an alternative certificate demonstrating good cause why the certificate cannot be obtained. If the supreme court grants the petition, the applicant must file an affidavit detailing the nature, dates, and locations of the applicant's practice, along with an affidavit of a supervising attorney or another lawyer attesting to the applicant's practice over that period.
 - c. A completed fingerprint card.
 - **31.13(2)** Oath or affirmation.
- a. An applicant whose application for admission without examination is granted must appear for admission before a supreme court justice, unless the supreme court orders otherwise based upon a satisfactory showing of exceptional circumstances.
- b. An applicant may file a petition seeking permission to be administered the lawyer's oath or affirmation in the jurisdiction in which the applicant is currently licensed or before a judge advocate general if the applicant is currently a member of one of the armed services of the United States. The petition must set forth in detail: the exceptional circumstances that render the applicant unable to appear for admission before a justice of the supreme court of Iowa; the name, title, business address, and telephone number of the justice, judge, clerk of court, court administrator, or the judge advocate general who will administer the lawyer's oath or affirmation; and the statute or court rule authorizing that person to administer an oath or affirmation.
- c. If the supreme court grants the petition, the office of professional regulation will forward all required documents to the applicant. The applicant will be deemed admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.
- d. The applicant must take the lawyer's oath or affirmation from an Iowa justice, or file the completed paperwork from an out-of-state oath or affirmation, within six months after the date the application for admission on motion is granted or the application will be deemed to be denied. [Court Order July 2, 1975; December 30, 1982; December 30, 1983; April 23, 1985; November 8, 1985; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 115); November 9, 2001, effective February 15, 2002; May 31, 2006; October 31, 2006; February 14, 2008, effective April 1, 2008; October 15, 2008; January 19, 2010; December 10, 2012; October 15, 2015; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.14 Admission pro hac vice before Iowa courts and administrative agencies.

- **31.14(1)** *Definitions.*
- a. An "out-of-state" lawyer is a person who:
- (1) Is not admitted to practice law in this state but who is admitted in another state or territory of the United States or of the District of Columbia, or is licensed to practice as a foreign legal consultant in any state or territory of the United States or of the District of Columbia.
 - (2) Is not disbarred or suspended from practice in any jurisdiction.
- b. An out-of-state lawyer is "eligible" for admission pro hac vice if any of the following conditions are satisfied:
- (1) The lawyer lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work.
 - (2) The lawyer neither resides nor is regularly employed at an office in this state.
- (3) The lawyer resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways.
- c. An "in-state" lawyer is a person admitted to practice law in this state and is not disbarred or suspended from practice in this state.
- d. A "client" is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in this state.
- e. "This state" refers to Iowa. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this rule.
 - **31.14(2)** Authority of court or agency to permit appearance by out-of-state lawyer.
- a. Court proceeding. A court of this state may, in its discretion, admit an eligible out-of-state lawyer, who is retained to appear as attorney of record in a particular proceeding, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.
- b. Administrative agency proceeding. Regardless of whether practice before an agency is limited to lawyers, an out-of-state lawyer must apply for admission pro hac vice to appear as attorney of record in an agency proceeding. The agency may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding as counsel in that proceeding pro hac vice, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.
- c. Subsequent proceedings. Admission pro hac vice is limited to the particular court or agency proceeding for which admission was granted. An out-of-state lawyer must separately seek admission pro hac vice in any subsequent district or appellate court proceeding.
- **31.14(3)** In-state lawyer's duties. When an out-of-state lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to do all of the following:
 - a. Appear of record together with the out-of-state lawyer in the proceeding.
 - b. Actively participate in the proceeding. See Iowa R. of Prof'l Conduct 32:5.5(c)(1).
 - c. Accept service on behalf of the out-of-state lawyer as required by Iowa Code section 602.10111.
- d. Advise the client of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.
- **31.14(4)** Application procedure. An eligible out-of-state lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice must file a verified application with the court or agency where the litigation is filed. The out-of-state lawyer must serve the application on all parties who have appeared in the proceeding, and must include proof of service. Application forms for admission pro hac vice can be found in rule 31.25.
- **31.14(5)** Required information for application. An application filed by the out-of-state lawyer must contain all of the following information:
 - a. The out-of-state lawyer's residence and business addresses.
 - b. The name, address, and phone number of each client sought to be represented.
- c. The courts before which the out-of-state lawyer has been admitted to practice and the respective period of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.

- d. Whether the out-of-state lawyer has been denied admission pro hac vice in this state. If so, specify the caption of the proceedings, the date of the denial, and what findings were made.
- e. Whether the out-of-state lawyer has had admission pro hac vice revoked in this state. If so, specify the caption of the proceedings, the date of the revocation, and what findings were made.
- f. Whether the out-of-state lawyer has been denied admission in any jurisdiction for reasons other than failure of a bar examination. If so, specify the jurisdiction, caption of the proceedings, the date of the denial, and what findings were made.
- g. Whether the out-of-state lawyer has been formally disciplined or sanctioned by any court in this state. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.
- h. Whether the out-of-state lawyer has been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the out-of-state lawyer engaged in the unauthorized practice of law in this state or elsewhere. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.
- *i.* Whether any formal, written disciplinary proceeding has been brought against the out-of-state lawyer by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years, and as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings.
- *j.* Whether the out-of-state lawyer has been placed on probation by a disciplinary authority in any other jurisdiction. If so, specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made.
- k. Whether the out-of-state lawyer has been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. A copy of the written order or transcript of the oral rulings must be attached to the application.
- *l.* The name and address of each court or agency and a full identification of each proceeding in which the out-of-state lawyer has filed an application to appear pro hac vice in this state within the preceding two years, the date of each application, and the outcome of the application.
- m. An averment as to the out-of-state lawyer's familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court or agency before which the out-of-state lawyer seeks to practice.
- *n*. The name, address, telephone number, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the out-of-state lawyer's pro hac vice request.
- o. An acknowledgement that service upon the in-state lawyer in all matters connected with the proceedings has the same effect as if personally made upon the out-of-state lawyer.
- p. If the out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, the application must contain a statement showing good cause why the out-of-state attorney should be admitted in the present proceeding.
- q. Any other information the out-of-state lawyer deems necessary to support the application for admission pro hac vice.
- r. A statement that the out-of-state lawyer has registered with the office of professional regulation and paid the fee as required by rule 31.14(11).
- **31.14(6)** Objection to application. A party to the proceeding may file an objection to the application or seek the court's or agency's imposition of conditions to its being granted. The objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The objecting party may seek denial of the application or modification of it. If the application has already been granted, the objecting party may move that the pro hac vice admission be revoked.
- **31.14(7)** Standard for admission. The courts and agencies of this state have discretion as to whether to grant applications for admission pro hac vice. If there is no opposition, the court or

agency has the discretion to grant or deny the application summarily. An application ordinarily should be granted unless the court or agency finds one of the following:

- a. The admission of the out-of-state attorney pro hac vice may be detrimental to the prompt, fair, and efficient administration of justice.
- b. The admission of the out-of-state attorney pro hac vice may be detrimental to legitimate interests of parties to the proceedings other than a client the out-of-state lawyer proposes to represent.
- c. One or more of the clients the out-of-state lawyer proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk.
- d. The out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, unless the out-of-state lawyer can show good cause exists for admission.
- **31.14(8)** *Revocation of admission.* Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in rule 31.14(7).
 - **31.14(9)** *Discipline, contempt, and sanction authority over the out-of-state lawyer.*
- a. During the pendency of an application for admission pro hac vice and upon the granting of such application, an out-of-state lawyer submits to the authority of the courts of this state, the agencies of this state, and the Iowa Supreme Court Attorney Disciplinary Board for all conduct relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The out-of-state lawyer submits to these authorities for all of the lawyer's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An out-of-state lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as an in-state lawyer. See Iowa R. Prof'l Conduct 32:8.5.
- b. The authority to which an out-of-state lawyer submits includes, but is not limited to, the enforcement of the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, contempt and sanction procedures, applicable local rules, and court, agency, and board policies and procedures.
- c. An out-of-state lawyer who appears before a court of this state or before an agency of this state when practice is limited to lawyers and who does not obtain admission pro hac vice is engaged in the unauthorized practice of law. See Iowa R. Prof'l Conduct 32:5.5 cmt. 9. If an out-of-state lawyer reasonably expects to be admitted pro hac vice, the lawyer may provide legal services that are in or reasonably related to a pending or potential proceeding before a court or agency in this state. See Iowa R. Prof'l Conduct 32:5.5(c)(2).
- **31.14(10)** Familiarity with rules. An out-of-state lawyer must become familiar with the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, the standards for professional conduct, local court or agency rules, and the policies and procedures of the court or agency before which the out-of-state lawyer seeks to practice.
- **31.14(11)** *Periodic fee.* An applicant for admission to appear pro hac vice in any Iowa Court or before any Iowa agency must first register with the office of professional regulation and pay a fee of \$250 to the client security trust fund. The office of professional regulation may prescribe an electronic format for the registration and require submission of the registration and payment in that form.
- a. Registration and payment of the fee required by this rule qualify the out-of-state lawyer to file applications for admission pro hac vice in any Iowa court or before any Iowa agency for a period of five years commencing with the date of registration. Upon expiration of the five-year period, the out-of-state lawyer becomes ineligible to file an application for admission pro hac vice in any Iowa court or before any Iowa agency without first registering and paying another fee as required by this rule.
- b. An out-of-state lawyer admitted pro hac vice after registration and payment of the fee as required by this rule who later is fully admitted to the bar of Iowa must pay initial, special, and regular assessments to the client security trust fund as required by Iowa Court Rule 39.6. [Court Order July 2, 1975; June 22, 1976; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 116); April 1, 1999; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; September 27, 2006; March 15, 2007; June 3, 2009; February 19, 2016, effective January 1, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 31.15 Permitted practice by law students and recent graduates.

31.15(1) Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 and certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by

the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state:

- a. Appearance by students as defense counsel in a criminal matter in any trial court must be confined to misdemeanors, and the student must be under the direct supervision of licensed Iowa counsel who must be personally present.
- b. Appearance by students in matters before the Iowa Supreme Court or the Iowa Court of Appeals must be under the direct supervision of licensed Iowa counsel who must be personally present. A student presenting an oral argument before the supreme court or the court of appeals must file with the clerk of the supreme court an appearance with proof of compliance with rule 31.15(1). The appearance must be filed no less than seven days prior to the argument and must be served upon all counsel of record and parties not represented by counsel.
- c. Appearance or assistance by students in other matters must be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present in court unless required by order of the court.
- **31.15(2)** Students who the dean of a reputable law school certifies have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.
- a. Appearance by students who have completed only two semesters of work must be under the direct supervision of licensed Iowa counsel who must be personally present.
- b. Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.
- 31.15(3) Except as allowed by rule 31.15(4), students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the students' law school and not disapproved by the Iowa Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the same as it was during the educational program, approved by the law school, and performed with the supervision required under rules 31.15(1) and 31.15(2).
- **31.15(4)** Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students must be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with rules 31.15(2) and 31.15(3), or before trial or appellate courts without complying with rule 31.15(1).
- **31.15(5)** Law students must not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.
- **31.15(6)** Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:
- a. Supervision of graduates must be the same as supervision of law students under rules 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).
- b. Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.
- c. Graduates may practice up to 25 hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.
- d. Graduates are not limited in hours of practice under this rule from administration of the bar examination until the date the bar examination results are posted for those who fail or the date of the admissions ceremony for those who pass.
- e. Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

- f. The supervising organizations listed in rule 31.15(6) must file a certificate with the office of professional regulation listing the starting dates for all graduates practicing under rule 31.15(6) and must file a second certificate indicating when the practice under this rule has terminated.
- **31.15**(7) For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.
- a. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity the following:
 - (1) The structure of the organization and whether it accepts funds from its clients.
 - (2) The major sources of funds the organization uses.
- (3) The criteria used to determine potential clients' eligibility for legal services the organization performs.
 - (4) The types of legal and nonlegal services the organization performs.
- (5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.
 - (6) The existence and extent of malpractice insurance that will cover the law student or graduate.
- b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(2)(c) is an approved legal aid organization for purposes of this rule.
- 31.15(8) A law student or law graduate practicing under this rule must be identified by the title "Law Student" or "Law Graduate" in any filing made in the courts of this state. [Court Order April 4, 1967; May 15, 1972; January 14, 1974; April 8, 1975 [withdrawn]; April 9, 1975; April 8, 1980; April 28, 1987; June 5, 1996, effective July 1, 1996 (Prior to July 1, 1996, Court Rule 120); January 9, 1998, effective February 2, 1998; November 9, 2001, effective February 15, 2002; June 4, 2008, effective July 1, 2008; March 21, 2014; November 20, 2015, effective January 1, 2016; November 18, 2016, effective March 1, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.16 Registration of house counsel.

- **31.16(1)** Who must register. A lawyer who is not admitted to practice law in Iowa, but who is admitted to practice law in another United States jurisdiction or is a foreign lawyer, and who has a continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted pursuant to rule 32:5.5(d)(1) of the Iowa Rules of Professional Conduct, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, must register as house counsel within 90 days of the commencement of employment as a lawyer or, if currently so employed, then within 90 days of the effective date of this rule. For purposes of rule 31.16:
- a. "United States jurisdiction" includes the District of Columbia and any state, territory, or commonwealth of the United States.
- b. A "domestic lawyer" is a lawyer admitted to practice law in the District of Columbia or in any state, territory, or commonwealth of the United States.
 - c. A "foreign jurisdiction" is any jurisdiction that is not a United States jurisdiction.
- d. A "foreign lawyer" is a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.
- **31.16(2)** *Procedure for registering.* The lawyer must submit to the office of professional regulation the following:
- a. If a domestic lawyer, a completed application in the form the office of professional regulation prescribes.
- b. If a foreign lawyer, a foreign-licensed attorney application with the National Conference of Bar Examiners through its online character and fitness application process. The applicant must pay the investigative fee that the National Conference of Bar Examiners requires at the time of filing the application.
- c. A nonrefundable application fee in the amount of \$800 payable to the Iowa board of law examiners
 - d. A \$200 client security assessment payable to the Client Security Commission.

- e. Documents proving admission to practice law, current active status, and current good standing in all jurisdictions, United States and foreign, in which the lawyer is admitted to practice law.
- f. A certificate from the disciplinary authority of each jurisdiction of admission, United States and foreign, stating that the lawyer has not been suspended, disbarred, or disciplined and that no charges of professional misconduct are pending; or a certificate that identifies any suspensions, disbarments, or other disciplinary sanctions that have been imposed upon the lawyer, and any pending charges, complaints, or grievances.
- g. If the jurisdiction is foreign and the documents are not in English, the lawyer must submit an English translation and satisfactory proof of the accuracy of the translation.
- h. An affidavit from an officer, director, or general counsel of the employing entity attesting as follows:
 - (1) The entity will be employing the lawyer.
- (2) To the best of its knowledge the lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.
- (3) To the best of its knowledge the lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.
- (4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.
- (5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity's officers or employees.
- (6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.
- (7) The entity will promptly notify the Client Security Commission of the termination of the lawyer's employment.
 - i. An affidavit from the lawyer attesting as follows:
 - (1) The name of the entity that will be employing the lawyer.
- (2) The lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.
- (3) The lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.
- (4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.
- (5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to the lawyer's work for the entity and to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity's officers or employees.
- (6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.
- (7) The entity will promptly notify the Client Security Commission of the termination of the lawyer's employment.
 - j. Any other document the supreme court requires to be submitted.
 - **31.16(3)** *Scope of authority of registered lawyer.*
- a. A lawyer registered under this rule has the rights and privileges otherwise applicable to members of the bar of this state with the following restrictions:
- (1) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and, except for foreign lawyers, to employees, officers, and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct.
 - (2) The registered lawyer may not:
- 1. Except as otherwise permitted by the rules of this state, appear before a court or any other tribunal as defined in rule 32:1.0(m) of the Iowa Rules of Professional Conduct. Registration under this rule does not authorize a lawyer to provide services to the employing entity for which pro hac

vice admission is required. A lawyer registered under this rule must therefore comply with the requirements for pro hac vice admission under rule 31.14 for any appearances before a court or any administrative agency.

- 2. Offer or provide legal services or advice to any person other than as described in rule 31.16(3)(a)(1), or hold himself or herself out as being authorized to practice law in this state other than as described in rule 31.16(3)(a)(1).
- 3. If a foreign lawyer, provide advice on the law of this state or another United States jurisdiction or of the United States except on the basis of advice from a lawyer who is duly licensed and authorized to provide such advice.
- b. Notwithstanding the provisions of rule 31.16(3)(a), a lawyer registered under this rule is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically authorized in this state. This provision does not apply to foreign lawyers registered under this rule.
 - c. A lawyer registered under this rule must:
- (1) File an annual statement and pay the annual disciplinary fee as Iowa Court Rules 39.5 and 39.8 require.
- (2) Fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education attendance requirements set forth in rule 41.3 for the calendar year in which the lawyer first registered as house counsel under this rule.
 - (3) Report to the office of professional regulation within 90 days the following:
 - 1. Termination of the lawyer's employment as described in rule 31.16(2)(h).
- 2. Whether or not public, any change in the lawyer's license status in another jurisdiction, United States or foreign.
- 3. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction, United States or foreign.
- **31.16(4)** Local discipline. A registered lawyer under this section is subject to the Iowa Rules of Professional Conduct and all other laws and rules governing lawyers admitted to the active practice of law in this state. The Iowa Supreme Court Attorney Disciplinary Board has and will retain jurisdiction over the registered lawyer with respect to the conduct of the lawyer in this state or another jurisdiction to the same extent as it has over lawyers generally admitted in this jurisdiction.
- **31.16(5)** Automatic termination. A registered lawyer's rights and privileges under this rule automatically terminate when:
 - a. The lawyer's employment terminates;
- b. The lawyer is suspended or disbarred from practice in any jurisdiction, United States or foreign, or any court or agency before which the lawyer is admitted; or
 - c. The lawyer no longer maintains active status in at least one jurisdiction, United States or foreign.
- **31.16(6)** Reinstatement. A registered lawyer whose registration is terminated under rule 31.16(5)(a) may be reinstated within 180 days of termination upon submission to the office of professional regulation all of the following:
 - a. An application for reinstatement in a form the office of professional regulation prescribes.
 - b. A reinstatement fee in the amount of \$100.
 - c. An affidavit from the current employing entity as prescribed in rule 31.16(2)(h).
 - **31.16(7)** Sanctions. A lawyer under this rule who fails to register will be:
 - a. Subject to professional discipline in this state.
 - b. Ineligible for admission on motion in this state.
- c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board.
- d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure, United States or foreign.
- **31.16(8)** Court's discretion. The supreme court has the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which substantial questions regarding the lawyer's character or fitness to practice law are implicated. The character investigation services will be procured for all foreign lawyer applicants at the applicants' expense. The director of the office of professional regulation must issue a certificate of registration upon the supreme court's approval of the application.

- **31.16(9)** *Duration of registration—credit toward admission on motion.*
- a. Domestic lawyer. A domestic lawyer may practice law in Iowa under this registration provision for a period of up to five years. If the lawyer intends to continue practicing law in Iowa, the lawyer must, prior to the expiration of the five-year period, apply for admission on motion. See Iowa Ct. R. 31.12. The filing of the application within the five-year period extends the registration period until the lawyer is admitted or the application is denied. The period of time the lawyer practices law in Iowa under the registration provisions of this rule may be used to satisfy the duration-of-practice requirement under rule 31.12(3)(a).
- b. Foreign lawyer. A foreign lawyer registered under this rule is not subject to the five-year limit on house counsel practice and may remain in that status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination. The foreign lawyer is not eligible for admission on motion based on practice while registered in Iowa. The foreign lawyer may either remain as house counsel or may attempt to establish academic equivalency allowing the lawyer to sit for the Iowa bar examination. A foreign lawyer seeking to take the bar examination must:
- (1) Obtain a scaled score of at least 80 on the MPRE before seeking permission to take the bar examination. The MPRE score must be from an examination taken within three years immediately preceding the filing date of the application.
- (2) Provide an affidavit giving a detailed description of the lawyer's practice while registered as house counsel and an estimate of how many hours per year the lawyer engaged in the practice of law during that period.
- (3) Provide an affidavit from an officer, partner, director, or general counsel of the employing entity attesting that the foreign lawyer's affidavit is accurate and that the foreign lawyer possesses the character and fitness to practice law in Iowa.
- (4) Submit the lawyer's credentials to an ABA-approved law school in this state for a recommendation of what schedule of courses, if any, would render the applicant educationally qualified to sit for the examination. The foreign lawyer may then petition the court to approve the proposed course of study. If the court approves the petition, the foreign lawyer must attach to the bar application a copy of the law school dean's affidavit stating the foreign lawyer successfully completed the approved course of study and is believed to be educationally qualified to sit for the examination. The foreign lawyer will be allowed to sit for the examination provided all other requirements are met.
- **31.16(10)** Lawyers registered under prior version of this rule. A lawyer registered under the prior version of this rule is not required to register again or pay the registration fee. The adoption of this rule does not affect any existing five-year period for terminating registration as house counsel and applying for admission on motion. That date will run from the date of the lawyer's registration as house counsel. All other provisions of this rule apply.
- **31.16(11)** Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. Rule 31.9(7) governs this procedure.
- **31.16(12)** Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. Rule 31.9(6) governs this procedure.
- **31.16(13)** Denial of application or suspension of registration for failure to comply with a support order. The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with a support order. Rule 31.9(5) governs this procedure.

[Court Orders April 20, 2005, and July 1, 2005, effective July 1, 2005; September 1, 2005; June 16, 2006; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; September 12, 2012; August 21, 2013; May 18, 2015, effective July 1, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.17 Provision of legal services following determination of major disaster.

- **31.17(1)** Determination of existence of major disaster. Solely for purposes of this rule, the supreme court will determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:
- a. This state and whether the emergency caused by the major disaster affects the entirety or only a part of the state; or
- b. Another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this state pursuant to rule 31.17(3) will extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.
- **31.17(2)** Temporary practice—pro bono services. Following the determination of an emergency affecting the justice system in this state pursuant to rule 31.17(1), or a determination that persons displaced by a major disaster in another jurisdiction and residing in this state are in need of pro bono services and the assistance of lawyers from outside of this state is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in this state on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services must be assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically designated by the supreme court.
- 31.17(3) Temporary practice—legal services arising out of and reasonably related to a lawyer's practice of law in another jurisdiction, or area of such other jurisdiction, where the disaster occurred. Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction may provide legal services in this state on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.
- **31.17(4)** Duration of authority for temporary practice. The authority to practice law in this state granted by rule 31.17(2) will end when the supreme court determines that the conditions caused by the major disaster have ended except that a lawyer then representing clients in this state pursuant to rule 31.17(2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer may not thereafter accept new clients. The authority to practice law in this state granted by rule 31.17(3) will end 60 days after the supreme court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.
- **31.17(5)** *Court appearances.* The authority granted by this rule does not include appearances in court except:
 - a. Pursuant to the supreme court's pro hac vice admission rule; or
- b. If the supreme court, in any determination made under rule 31.17(1), grants blanket permission to appear in all or designated courts of this state to lawyers providing legal services pursuant to rule 31.17(2).
- **31.17(6)** Disciplinary authority and registration requirement. Lawyers providing legal services in this state pursuant to rule 31.17(2) or 31.17(3) are subject to the supreme court's disciplinary authority and the Iowa Rules of Professional Conduct as provided in Iowa Rule of Professional Conduct 8.5. Lawyers providing legal services in this state under rule 31.17(2) or 31.17(3) must, within 30 days from the commencement of the provision of legal services, file a registration statement with the office of professional regulation. A form for the registration statement can be found in rule 31.25. Any lawyer who provides legal services pursuant to this rule will not be considered to be engaged in the unlawful practice of law in this state.
- **31.17(7)** *Notification to clients.* Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule must inform clients in this state of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this state except as permitted by this rule. They must not state or imply to any person that they are otherwise authorized to practice law in this state.

The comment accompanying this rule explains and illustrates the meaning and purpose of the rule. The comment is intended as a guide to interpretation, but the text of the rule is authoritative.

COMMENT

[1] A major disaster in this state or another jurisdiction may cause an emergency affecting the justice system with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster or, though independent of the disaster, whose legal needs temporarily are unmet because of disruption to the practices of local lawyers. Lawyers from unaffected jurisdictions may offer to provide these legal services either by traveling to the affected jurisdiction or from their own offices or both, provided the legal services are provided on a pro bono basis through an authorized not-for-profit entity or such other organization(s) specifically designated by the supreme court. A major disaster includes, for example, a hurricane, earthquake, flood, wildfire, tornado, public health emergency, or an event caused by terrorists or acts of war.

[2] Under rule 31.17(1)(a), the supreme court will determine whether a major disaster causing an emergency affecting the justice system has occurred in this state, or in a part of this state, for purposes of triggering rule 31.17(2). The supreme court may, for example, determine that the entirety of this state has suffered a disruption in the provision of legal services or that only certain areas have suffered such an event. The authority granted by rule 31.17(2) will extend only to lawyers authorized to practice law and not disbarred, suspended from practice, or otherwise restricted from practice in any other manner in any other jurisdiction.

[3] Rule 31.17(2) permits lawyers authorized to practice law in another jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practicing law in any other manner in any other jurisdiction, to provide pro bono legal services to residents of this state following a determination of an emergency caused by a major disaster, notwithstanding that they are not otherwise authorized to practice law in this state. Other restrictions on a lawyer's license to practice law that would prohibit that lawyer from providing legal services pursuant to this rule include, but are not limited to, probation, inactive status, disability inactive status, or a nondisciplinary administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal services as defined in this rule. Lawyers permitted to provide legal services pursuant to this rule must do so without fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-profit organization that is authorized to provide legal services either in its own name or that provides representation of clients through employed or cooperating lawyers. Alternatively, the supreme court may instead designate other specific organization(s) through which these legal services may be rendered. Under rule 31.17(2), an emeritus lawyer from another United States jurisdiction may provide pro bono legal services on a temporary basis in this state provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this state on a temporary basis under Iowa R. of Prof'l Conduct 32:5.5(c).

[4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the area of such other jurisdiction determined by the supreme court to have suffered a major disaster, and whose practices are disrupted by a major disaster there, and who are not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, are authorized under rule 31.17(3) to provide legal services on a temporary basis in this state. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. For purposes of this rule, the determination of a major disaster in another jurisdiction should first be made by the highest court of appellate jurisdiction in that jurisdiction. For the meaning of "arise out of and reasonably related to," see Iowa R. of Prof'l Conduct 32:5.5 cmt. [14].

[5] Emergency conditions created by major disasters end, and when they do, the authority created by rules 31.17(2) and 31.17(3) also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under rule 31.17(4), the supreme court determines when those conditions end only for purposes of this rule. The authority granted under rule 31.17(2) will end upon such determination, except that lawyers assisting residents of this state under rule 31.17(2) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by rule 31.17(3) will end 60 days after the supreme court makes such a determination with regard to an affected jurisdiction.

[6] Rules 31.17(2) and 31.17(3) do not authorize lawyers to appear in the courts of this state. Court appearances are subject to the pro hac vice admission rules of the supreme court. The supreme court may, in a determination made under rule 31.17(5)(b), include authorization for lawyers who provide legal services in this state under rule 31.17(2) to appear in all or designated courts of this state without need for such pro hac vice admission. A lawyer who has appeared in the courts of this state pursuant to rule 31.17(5) may continue to appear in any such matter notwithstanding a declaration under rule 31.17(4) that the conditions created by major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Iowa R. of Prof'l Conduct 32:1.16.

[7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict that person's ability to provide legal services under this rule.

[8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether any lawyer seeking to practice in this state pursuant to rule 31.17(2) or 31.17(3) is disbarred, suspended from practice, or otherwise subject to a public disciplinary sanction that would restrict the lawyer's ability to practice law in any other jurisdiction. [Court Order December 13, 2017, effective January 1, 2018]

[Court Order May 14, 2007; February 14, 2008, effective April 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 31.18 Licensing and practice of foreign legal consultants.

31.18(1) General regulation as to licensing. In its discretion, the supreme court may license to practice in the State of Iowa as a foreign legal consultant, without examination, an applicant who:

- a. Is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.
- b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country.
- c. Possesses the good moral character and general fitness requisite for a member of the bar of this state.
- d. Intends to practice as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

31.18(2) Application and fee.

- a. The applicant must file an application for a foreign legal consultant license with the National Conference of Bar Examiners through its online character and fitness application process, unless an exception is granted by the office of professional regulation. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.
- b. In addition, the applicant must file the following documents and fee with the office of professional regulation:
- (1) A certificate from the professional body or public authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as a lawyer or counselor at law or the equivalent, and certifying that the applicant has not been disciplined and no charges of professional misconduct are pending or identifying any disciplinary sanctions that have been imposed upon the applicant or any pending charges, complaints, or grievances.
- (2) A letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction in the foreign country in which the applicant is admitted.
- (3) Duly authenticated English translations of the certificate required by rule 31.18(2)(b)(1) and the letter required by rule 31.18(2)(b)(2) if they are not in English.
- (4) The requisite documentation establishing the applicant's compliance with the immigration laws of the United States.
- (5) Other evidence as the supreme court may require regarding the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of rule 31.18(1).
- (6) An administrative fee of \$800 payable to the office of professional regulation at the time the application is filed.
- **31.18(3)** Scope of practice. A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state but will not be considered admitted to practice law here, may not in any way hold himself or herself out as a member of the bar of this state, and may not do any of the following:
- a. Appear as a lawyer on behalf of another person in any court or before any magistrate or other judicial officer in this state, except when admitted pro hac vice pursuant to Iowa rule 31.14.
- b. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America.
 - c. Prepare:
- (1) Any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof.
- (2) Any instrument relating to the administration of a decedent's estate in the United States of America.
- d. Prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident.
- e. Render professional legal advice on the law of this state or of the United States of America, whether rendered incident to the preparation of legal instruments or otherwise.
- f. Carry on a practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:
 - (1) The foreign legal consultant's own name.

- (2) The name of the law firm with which the foreign legal consultant is affiliated.
- (3) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country.
- (4) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."
- **31.18(4)** Rights and obligations. Subject to the limitations listed in rule 31.18(3), a person licensed under this rule will be considered a foreign legal consultant affiliated with the bar of this state and will be entitled and subject to:
- a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this state under the Iowa Court Rules.
 - b. The rights and obligations of a member of the bar of this state with respect to:
- (1) Affiliation in the same law firm with one or more members of the bar of this state, including by:
 - 1. Employing one or more members of the bar of this state.
- 2. Being employed by one or more members of the bar of this state or by any partnership or professional corporation that includes members of the bar of this state or that maintains an office in this state.
- 3. Being a partner in any partnership or shareholder in any professional corporation that includes members of the bar of this state or that maintains an office in this state.
 - (2) Attorney-client privilege, work-product privilege, and similar professional privileges.
- **31.18(5)** *Discipline.* A person licensed to practice as a foreign legal consultant under this rule will be subject to professional discipline in the same manner and to the same extent as members of the bar of this state. To this end:
 - a. Every person licensed to practice as a foreign legal consultant under this rule:
- (1) Will be subject to the jurisdiction of the supreme court and the Iowa Supreme Court Attorney Disciplinary Board and to reprimand, suspension, removal, or revocation of his or her license to practice by the supreme court and will otherwise be governed by the Iowa Rules of Professional Conduct and the Iowa Court Rules.
- (2) Must execute and file with the clerk of the supreme court, in the form and manner as the court may prescribe:
- 1. A commitment to observe the Iowa Rules of Professional Conduct and the Iowa Court Rules to the extent applicable to the legal services authorized under rule 31.18(3);
- 2. A written undertaking to notify the court of any change in the foreign legal consultant's good standing as a member of the foreign legal profession referred to in rule 31.18(1)(a) and of any final action of the professional body or public authority referred to in rule 31.18(2)(b)(1) imposing any disciplinary reprimand, suspension, or other sanction upon the foreign legal consultant.
- 3. A duly acknowledged instrument in writing, providing the foreign legal consultant's address in this state and designating the clerk of the supreme court as his or her agent for service of process. The foreign legal consultant must keep the office of professional regulation advised in writing of any changes of address in this jurisdiction. In any action or proceeding brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within this state or to residents of this state, service will first be attempted upon the foreign legal consultant at the most recent address filed with the clerk. Whenever after due diligence service cannot be made upon the foreign legal consultant at that address, service may be made upon the clerk. Service made upon the clerk in accordance with this provision is effective as if service had been made personally upon the foreign legal consultant.
- b. Service of process on the clerk under rule 31.18(5)(a)(2)(3) must be made by personally delivering to the clerk's office, and leaving with the clerk, or with a deputy or assistant authorized by the clerk to receive service, duplicate copies of the process. The clerk must promptly send one copy of the process to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent address provided in accordance with rule 31.18(5)(a)(2)(3).
- **31.18(6)** Required fees and annual statements. A person licensed as a foreign legal consultant must pay a \$200 registration fee to the Client Security Commission. The person licensed under this rule must file an annual statement and pay the annual disciplinary fee as required by Iowa Court Rules 39.5 and 39.8.

- **31.18(7)** Revocation of license. If the supreme court determines that a person licensed as a foreign legal consultant under this rule no longer meets the requirements for licensure set forth in rule 31.18(1)(a) or (b), it will revoke the foreign legal consultant's license.
- **31.18(8)** Admission to bar. If a person licensed as a foreign legal consultant under this rule is subsequently admitted as a member of the bar of this state under the rules governing admission, that person's foreign legal consultant license will be deemed superseded by the license to practice law as a member of the bar of this state.

[Court Order June 3, 2009; January 19, 2010; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.19 Certification and pro bono participation of emeritus attorneys.

- **31.19(1)** *Purpose.* This rule establishes the emeritus attorneys pro bono participation program. **31.19(2)** *Definitions.*
- a. Emeritus attorney. An "emeritus attorney" is any person who is admitted to practice law in Iowa and is on inactive, active, or retired status at the time of application, or who is or was admitted to practice law before the highest court of any other state or territory of the United States or the District of Columbia, and:
 - (1) Does not have a pending disciplinary proceeding.
 - (2) Has never been disbarred or had a license to practice law revoked in any jurisdiction.
- (3) Agrees to abide by the Iowa Rules of Professional Conduct and submit to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.
- (4) Neither requests nor accepts compensation of any kind for the legal services to be rendered under this chapter.
 - (5) Is certified under this rule.
- b. Active. For purposes of this rule, "active" describes lawyers with the status of corporate, full-time, part-time, government, judge, or military service for purposes of the Client Security Commission.
- c. Approved legal aid organization. For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity:
 - (1) The structure of the organization and whether it accepts funds from its clients.
 - (2) The major sources of funds the organization uses.
- (3) The criteria used to determine potential clients' eligibility for legal services the organization performs.
 - (4) The types of legal and nonlegal services the organization performs.
- (5) The names of all members of the Iowa bar the organization employs or who regularly perform legal work for the organization.
 - (6) The existence and extent of malpractice insurance that will cover the emeritus attorney.
 - (7) The number of attorneys on the organization's board of directors.
 - (8) The availability of in-house continuing legal education.
 - **31.19(3)** *Activities.*
- a. Permissible activities. An emeritus attorney, in association with an approved legal aid organization, may perform the following activities:
- (1) The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal aid organization.
- (2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal in this state in any matter in which the emeritus attorney is involved. Such pleadings must include the attorney's status as emeritus attorney and the name of the approved legal aid organization, except as permitted by Iowa Rule of Civil Procedure 1.423.
- (3) The emeritus attorney may provide advice, screening, transactional, and other activities for clients of approved legal aid organizations.
- b. Determination of nature of participation. The presiding judge or hearing officer may, in the judge's or officer's discretion, determine the extent of the emeritus attorney's participation in any proceedings before the court.

31.19(4) *Supervision and limitations.*

- a. Supervision by attorney. An emeritus attorney providing legal advice through the COVID-19 Legal Information Hotline program may do so without supervision. An emeritus attorney must perform all other activities authorized by this chapter under the general supervision of the approved legal aid organization.
- b. Representation of status. Attorneys permitted to perform services under this chapter may only hold themselves out as emeritus attorneys.
- c. Payment of expenses and award of fees. The prohibition against compensation for the emeritus attorney contained in rule 31.19(2)(a)(4) does not prevent the approved legal aid organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services under this chapter or from paying continuing legal education attendance fees on behalf of the emeritus attorneys, nor does it prevent the approved legal aid organization from making such charges for its services as it may otherwise properly charge. The approved legal aid organization is entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.
- **31.19(5)** *Certification.* Permission for an emeritus attorney to perform services under this chapter is effective upon filing with and approval by the office of professional regulation of:
- a. A certification from an approved legal aid organization stating that the emeritus attorney is currently associated with that legal aid organization and that all activities of the emeritus attorney will be under the general supervision of the legal aid organization or a certification from the attorney that the attorney has completed the training provided by the COVID-19 Legal Information Hotline and will limit the attorney's activities to the pro bono provision of legal advice only to individuals referred through the COVID-19 Legal Information Hotline.
- b. A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney is in good standing, does not have a pending disciplinary proceeding, and has never been disbarred or had the license to practice law revoked.
 - c. A sworn statement from the emeritus attorney that the emeritus attorney:
- (1) Relinquishes status as an inactive, active, or retired lawyer and requests placement in emeritus status for purposes of the Client Security Commission and Commission on Continuing Legal Education.
 - (2) Understands and will abide by the provisions of the Iowa Rules of Professional Conduct.
- (3) Submits to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.
- (4) Will neither request nor accept compensation of any kind for the legal services authorized under this chapter.

31.19(6) Withdrawal of certification.

- a. Withdrawal of permission to perform services. Permission to perform services under this chapter must cease immediately upon the filing with the office of professional regulation of a notice either:
- (1) From the approved legal aid organization stating that the emeritus attorney has ceased to be associated with the organization, which notice must be filed within 30 days after such association has ceased: or
- (2) From the Iowa Supreme Court, in its discretion, at any time, stating that permission to perform services under this chapter has been revoked. A copy of such notice must be mailed by the office of professional regulation to the emeritus attorney involved and to the approved legal aid organization.
- b. Notice of withdrawal. If an emeritus attorney's certification is withdrawn for any reason, the approved legal aid organization must immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.
- **31.19(7)** *Discipline.* In addition to any appropriate proceedings and discipline that may be imposed upon the emeritus attorney by the Iowa Supreme Court under the court's disciplinary rules, the Iowa Rules of Professional Conduct, or the Code of Iowa, the Iowa Supreme Court may, at any time, with or without cause, withdraw certification under this rule.

31.19(8) Fees and annual statements.

a. Annual report to Client Security Commission. A lawyer certified under this rule must file the annual questionnaire required by Iowa Court Rule 39.11 and the annual statement required by Iowa Court Rule 39.8(1) but is exempt from the annual disciplinary fee and fund assessment provided in Iowa Court Rules 39.5 and 39.6.

b. Annual report to Commission on Continuing Legal Education. A lawyer certified under this rule must fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education requirements set forth in Iowa Court Rule 41.3 for the calendar year in which the lawyer is first certified under this rule. The approved legal aid organization may pay the continuing legal education reporting fee on behalf of the emeritus attorney. [Court Order March 1, 2013; December 13, 2017, effective January 1, 2018; April 17, 2020]

Rules 31.20 to 31.24 Reserved.

Rule 31.25 Forms. Rule 31.25 — Form 1: Application for Admission Pro Hac Vice—District Court

	Iowa District Court for	where your ca	Count	y
		Case no		
	aintiff(s) l name: first, middle, last		pplication for A o Hac ViceDis Iowa Court Rule	strict Court
	fendant(s) l name: first, middle, last			
1.	Application			
	The undersigned seeks permission to appear Applicant must complete all of the following: If this matter involves review of an agency action the proceedings below? Yes No If yes, attach copies of all related documents.	ion, did the ap	oplicant seek admis	sion pro hac vice in
a.	Applicant's full name, residential addre	ess, email a	aaress, ana bus	iness address.
	Full name: first, middle, last	Email addre	?SS	
	Mailing address	City	State	ZIP code
	Business address	City	State	ZIP code
b.	The name, address, and telephone nu	mber of eac	ch client to be re	presented.
C.	The courts before which the applicant respective periods of admission and are has been licensed to practice as a fore period of licensure.	ny jurisdiction	on in which the o	out-of-state lawyer
d.	Has the applicant ever been denied ac ☐ Yes ☐ No	dmission pro	hac vice in this	s state?

Rule 31.25—Form 1: Application for Admission Pro Hac Vice--District Court, continued

Janu	nuary 2017 Rule 31.25—Form 1	Page 2 of 4
l.	Has the applicant filed an application to appear pro hac vice in this state wi preceding two years? $\ \ \ \ \ \ \ \ \ \ \ \ \ $	thin the
	If yes, on a separate page specify the nature of the allegations, the name of the court before which proceedings were conducted, the date of the contempt order or sanction, the caption of the proceed the substance of the court's rulings. Attach to this application a copy of the written order or a transoral ruling and other related documents.	lings, and
k.	Has the applicant ever been held formally in contempt or otherwise sanctio any court in a written order in the last five years for disobedience to the court or orders? Yes No	
	If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probwhat findings were made. Attach copies of all related documents.	ation, and
j.	Has the applicant ever been placed on probation by a disciplinary authority other jurisdiction? $\ \ \ \ \ \ \ \ \ \ \ \ \ $	in any
	If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the nan person or authority bringing such proceedings, the date the proceedings were initiated and finally the style of the proceedings, and the findings made and actions taken in connection with those proceedings of all related documents.	concluded,
i.	Has any formal, written disciplinary proceeding ever been brought against tapplicant by a disciplinary authority or unauthorized practice of law commissany other jurisdiction within the last five years? Yes No	sion in
	If yes, on a separate page specify the nature of the allegations, the name of the authority bringing s proceedings, the caption of the proceedings, the date filed, what findings were made, and what actitaken in connection with those proceedings. Attach copies of all related documents.	
h.	Has the applicant ever been the subject of any injunction, cease-and-desist or other action arising from a finding that the applicant engaged in the unaupractice of law in this state or elsewhere? Yes No	
	If yes, on a separate page specify the nature of the allegations, the name of the authority bringing s proceedings, the caption of the proceedings, the date filed, what findings were made, and what actitaken in connection with those proceedings. Attach copies of all related documents.	
g.	Has the applicant ever been formally disciplined or sanctioned by any count state? \square Yes \square No	t in this
	If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what fit made. Attach copies of all related documents.	ndings were
f.	Has the applicant ever been denied admission in any jurisdiction for reason than failure of a bar examination? \square Yes \square No	s other
	If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what finade. Attach copies of all related documents.	ndings were
	☐ Yes ☐ No	
e.	Has the applicant ever had admission pro hac vice revoked in this state?	
	If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what finade. Attach copies of all related documents.	ndings were

Rule 31.25—Form 1: Application for Admission Pro Hac Vice--District Court, continued

	If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents. The applicant acknowledges familiarity with the rules of professional conduct, the					
m.	The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. Yes No					
n. List the name, address, telephone number, email address, and personal identification number of an in-state lawyer in good standing of the bar of this s who will sponsor the applicant's pro hac vice request.						
	Lawyer's name	PIN	Ema	il address		
	Lawyer's address		City	State	ZIP code	
Ο.	The applicant acknowled connected with the proceupon the applicant.	eedings will hav				
p.	If the applicant has apperent preceding two years, the statement showing good proceeding.	applicant must	, on a separ	ate attached p	oage, provide a	
q.	On a separate attached applicant deems necess					
r.	Has the applicant register fee as required by lower application? Yes	Court Rule 31.1				
	Lawrer's Oath and	l Signature and	Cortificate o	f Sorvice on n	ovt nago	

Lawyer's Oath and Signature and Certificate of Service on next page

Rule 31.25—Form 1: Application for Admission Pro Hac Vice--District Court, continued

Print your name penalty of perjury an true and correct.					
Signed on: Month	Day Year	Your signature*			
Mailing address		City		State	ZIP code
() Telephone number	Email address		- Additional	email addres	ss, if applicable
CONTRACTOR TO THE CONTRACTOR T					
on the form, scan the form, electronically. The undersigned certification	Certifica	te of Service)		
electronically.	Certifica	te of Service)		
The undersigned certific	Certifica es a copy of this a	i te of Service oplication was)		
The undersigned certific	Certificates a copy of this appropriate of	i te of Service oplication was	s served on		

Rule 31.25 — Form 2: Application for Admission Pro Hac Vice—Iowa Supreme Court

	In the Iowa S	upreme Court		
		Case no		-
	aintiff(s) ! name: first, middle, last	Pro Hac V	cation for A icelowa S wa Court Rul	Supreme Court
	fendant(s) name: first, middle, last			
1.	Application			
2	The undersigned seeks permission to appear property applicant shall complete all of the following: Did the applicant seek admission pro hac vice in a seek at a seek at a seek at a seek at a seek. Applicant's full pages, residential address.	n the proceedings	below? \(\sup Y	res □No
a.	Applicant's full name, residential addres	s, eman addre	ss, and bus	silless address.
	Full name: first, middle, last	Email address		
	Mailing address	City	State	ZIP code
	Business address	City	State	ZIP code
b.	The name, address, and phone number			
C.	The courts before which the applicant has respective periods of admission and any has been licensed to practice as a foreign of licensure.	/ jurisdiction in	which the	out-of-state lawyer
	3			
d.	Has the applicant ever been denied adn	niesion nro had	vice in this	s state?
u.	Yes No	nission pro nac	VICE III UIII	s state :
	If yes, on a separate page specify the caption of the p made. Attach copies of all related documents.	proceedings, the da	te of the denial	, and what findings were
e.	Has the applicant ever had admission p	ro hac vice rev	oked in this	s state?
	☐ Yes ☐ No			

 $\textbf{Rule 31.25} - \textbf{Form 2:} \ \textit{Application for Admission Pro Hac Vice--Iowa Supreme Court}, \textbf{continued}$

	If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.
f.	Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? \square Yes \square No
	If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.
g.	Has the applicant ever been formally disciplined or sanctioned by any court in this state? ☐ Yes ☐ No
	If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.
h.	Has the applicant ever been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the applicant engaged in the unauthorized practice of law in this state or elsewhere? Yes No
	If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.
i.	Has any formal, written disciplinary proceeding ever been brought against the applicant by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years? Yes No
	If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings. Attach copies of all related documents.
j.	Has the applicant ever been placed on probation by a disciplinary authority in any other jurisdiction?
	If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made. Attach copies of all related documents.
k.	Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court's rules or orders? \square Yes \square No
	If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.
l.	Has the applicant filed an application to appear pro hac vice in this state within the preceding two years? ☐ Yes ☐ No
	If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents.
m.	The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. Yes No

Rule 31.25—Form 2: Application for Admission Pro Hac Vice--Iowa Supreme Court, continued

awyer's name awyer's address The applicant acknow onnected with the properties of the applicant. The applicant has a receding two years, howing good cause roceeding.	roceedings will has No opeared pro had the applicant m	City vice upon the in have the same expression this statement.		er in all		
The applicant acknow onnected with the properties of the applicant has a receding two years, howing good cause roceeding.	roceedings will has No opeared pro had the applicant m	vice upon the in nave the same e vice in this stat ust, on a separa	-state lawye	er in all	matters	
onnected with the properties applicant. Yes the applicant has a receding two years, howing good cause roceeding.	roceedings will has No opeared pro had the applicant m	ave the same e vice in this stat ust, on a separa				
receding two years, howing good cause roceeding.	the applicant m	ust, on a separa			ly made upo	
n a separate attach		nt should be ad	ate page, pr	ovide a	statement	
	On a separate attached page, the applicant must provide any other information the applicant deems necessary to support the application for admission pro hac vice.					
Has the applicant registered with the office of professional regulation and paid the fe as required by lowa Court Rule 31.14(11) within five years of the date of this application? Yes No						
, have read this Application, and I certify under Print your name penalty of perjury and pursuant to the laws of the State of lowa that the preceding is rue and correct.						
gned on: Month	-	Your signature*				
ailing address		City		State	ZIP code	
lephone number	— Email address		Additional em	ail addres	s, if applicable	
	en file it electronically,	or, you may affix a digi	itized signature a			
	s required by lowa of pplication? Yes with and Signature Print your name enalty of perjury and ue and correct. Internal your name enalty of perjury and ue and correct. Internal your name enalty of perjury and ue and correct. Internal your name enalty of perjury and ue and correct. Internal your name enalty of perjury and ue and correct. Internal your name enalty of perjury and ue and correct.	s required by lowa Court Rule 31.14 pplication? Yes No ath and Signature	s required by lowa Court Rule 31.14(11) within five pplication? Yes No ath and Signature	s required by lowa Court Rule 31.14(11) within five years of the pplication? Yes No ath and Signature	s required by lowa Court Rule 31.14(11) within five years of the date opplication? Ath and Signature	

Rule 31.25—Form 2: Application for Admission Pro Hac Vice--Iowa Supreme Court, continued

Certificate of Service
The undersigned certifies a copy of this application was served on the following parties
on the day of, 20
by Personal delivery Deposit in the U.S. mail
Signature of server

Rule 31.25 — Form 3: Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster

	In the Iowa Sup	reme Court			
		Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster Iowa Court Rule 31.17			
ur	rsuant to Iowa Court Rule 31.17(6) the undersigned must	complete the following:			
١.	Name				
	Lawyer's full name: first, middle, last	Name of Lawyer's firm			
2.	Home state information Residential address in lawyer's home state:				
	Business address in lawyer's home state:				
	Telephone numbers in lawyer's home state:				
	Email addresses:				
3.	lowa information				
	Residential address in Iowa:				
	Business address in Iowa:				
	Telephone numbers in lowa:				
	Email addresses:				

January 2017 Rule 31.25—Form 3 Page 1 of 2

 $\label{lem:continuous} \textbf{Rule 31.25} - \textbf{Form 3:} \ \textit{Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster, continued}$

4.	Bar admission							
	List the courts before which you have been admitted to practice, the respective periods of admission, and your registration or bar numbers.							
							ž	
	Is your license to practice currently subject to disbarment, suspension, or restrictions in any jurisdiction? Yes No							
	If yes, on a separate pa	ge specify the	proceedings	and attach cop	pies of all relate	d documents.		
5.	Temporary Practice Following Determination of Major Disaster							
	Specify whether y	ou will eng	age in te	mporary pra	actice pursua	ant to:		
	Check all that apply							
	☐ Iowa Court Rule 31.17(2) (pro bono legal services).							
	lowa Court Rule 31.17(3) (legal services reasonably related to lawyer's practice of law in the other jurisdiction, or area of such other jurisdiction, where the disaster occurred).							
	I agree that I am s and the lowa Rule Conduct, and any	es of Profe	ssional C	onduct, the	Standards f	or Professi	onal	
Oa	th and Signature					•		
	l,, have read this Registration Statement, and Print your name							
	certify under penalty of perjury and pursuant to the laws of the State of lowa that the preceding is true and correct and that I am licensed and in good standing and authorized to practice law in each jurisdiction listed above and my license is not subject to suspension or restriction in any jurisdiction.							
	Signed on: Month	Day	, 20 Year	Your signatu	ro*			
	signed on. Woun	Duy	rear	10ur signatu	76			
	Mailing address			City		State	ZIP code	
	()							
	Telephone number	Ema	il address		Additiona	al email addres	ss, if applicable	
	*If filing in paper, you m signature on the form, scar electronically.							
Jani	Jary 2017		Rule 31.25	—Form 3			Page 2 of 2	

CHAPTER 32 IOWA RULES OF PROFESSIONAL CONDUCT

PREAMBLE AND SCOPE

	PREAMBLE AND SCOPE
Rule 32:1.0	Terminology
	CLIENT-LAWYER RELATIONSHIP
Rule 32:1.1	Competence
Rule 32:1.2	Scope of representation and allocation of authority between client
Kuic 32.1.2	and lawyer
Rule 32:1.3	Diligence
Rule 32:1.4	Communication
Rule 32:1.5	Fees
Rule 32:1.6	Confidentiality of information
Rule 32:1.7	Conflict of interest: current clients
Rule 32:1.7	Conflict of interest: current clients: specific rules
Rule 32:1.8	Duties to former clients
Rule 32:1.10	Imputation of conflicts of interest: general rule
Rule 32:1.10	
Kule 32.1.11	Special conflicts of interest for former and current government officers
D.J. 22.1 12	and employees
Rule 32:1.12	Former judge, arbitrator, mediator, or other third-party neutral
Rule 32:1.13	Organization as client
Rule 32:1.14	Client with diminished capacity
Rule 32:1.15	Safekeeping property
Rule 32:1.16	Declining or terminating representation
Rule 32:1.17	Sale of law practice
Rule 32:1.18	Duties to prospective client
	COUNSELOR
Rule 32:2.1	Advisor
Rule 32:2.2	(Reserved)
Rule 32:2.3	Evaluation for use by third persons
Rule 32:2.4	Lawyer serving as third-party neutral
	ADVOCATE
Rule 32:3.1	Meritorious claims and contentions
Rule 32:3.2	Expediting litigation
Rule 32:3.3	Candor toward the tribunal
Rule 32:3.4	Fairness to opposing party and counsel
Rule 32:3.5	Impartiality and decorum of the tribunal
Rule 32:3.6	Trial publicity
Rule 32:3.7	Lawyer as witness
Rule 32:3.8	Special responsibilities of a prosecutor
Rule 32:3.9	Advocate in nonadjudicative proceedings
	TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS
D 1 22 4 1	
Rule 32:4.1	Truthfulness in statements to others
Rule 32:4.2	Communication with person represented by counsel
Rule 32:4.3	Dealing with unrepresented person
Rule 32:4.4	Respect for rights of third persons
	LAW FIRMS AND ASSOCIATIONS
Rule 32:5.1	Responsibilities of partners, managers, and supervisory lawyers
Rule 32:5.2	Responsibilities of a subordinate lawyer
Rule 32:5.3	Responsibilities regarding nonlawyer assistance
Rule 32:5.4	Professional independence of a lawyer

Ch 32, p.ii	RULES OF PROFESSIONAL CONDUCT	February 2020			
Rule 32:5.5 Rule 32:5.6 Rule 32:5.7	Unauthorized practice of law; multijurisdictional practice Restrictions on right to practice Responsibilities regarding law-related services	e of law			
	PUBLIC SERVICE				
Rule 32:6.1 Rule 32:6.2 Rule 32:6.3 Rule 32:6.4 Rule 32:6.5	Voluntary pro bono publico service Accepting appointments Membership in legal services organization Law reform activities affecting client interests Nonprofit and court-annexed limited legal services progr	rams			
	INFORMATION ABOUT LEGAL SERVICES				
Rule 32:7.1 Rule 32:7.2 Rule 32:7.3 Rule 32:7.4 Rule 32:7.5 Rule 32:7.6	Communications concerning a lawyer's services Advertising Solicitation of clients Communication of fields of practice and specialization Firm names and letterheads Political contributions to obtain government legal e appointments by judges	ngagements or			
MAINTAINING THE INTEGRITY OF THE PROFESSION					
Rule 32:8.1 Rule 32:8.2 Rule 32:8.3 Rule 32:8.4 Rule 32:8.5	Bar admission and disciplinary matters Judicial and legal officials Reporting professional misconduct Misconduct Disciplinary authority; choice of law				

CHAPTER 32 IOWA RULES OF PROFESSIONAL CONDUCT

PREAMBLE AND SCOPE

PREAMBLE: A LAWYER'S RESPONSIBILITIES

- [1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.
- [2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.
- [3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these rules apply directly to lawyers who are or have served as third-party neutrals. *See, e.g.*, rules 32:1.12 and 32:2.4. In addition, there are rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. *See* rule 32:8.4.
- [4] In all professional functions a lawyer should be competent, prompt, and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Iowa Rules of Professional Conduct or other law.
- [5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.
- [6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.
- [7] Many of a lawyer's professional responsibilities are prescribed in the Iowa Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession, and to exemplify the legal profession's ideals of public service.
- [8] A lawyer's responsibilities as a representative of clients, an officer of the legal system, and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest

because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

- [9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system, and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Iowa Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous, and civil attitude toward all persons involved in the legal system.
- [10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.
- [11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.
- [12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to ensure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Iowa Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.
- [13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Iowa Rules of Professional Conduct, when properly applied, serve to define that relationship.

SCOPE

- [14] The Iowa Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the rules in which the lawyer has discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other rules define the nature of relationships between the lawyer and others. The rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the comments use the term "should." Comments do not add obligations to the rules but provide guidance for practicing in compliance with the rules.
- [15] The rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers, and substantive and procedural law in general. The comments are sometimes used to alert lawyers to their responsibilities under such other law.
- [16] Compliance with the rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion, and finally, when necessary, upon enforcement through disciplinary proceedings. The rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The rules simply provide a framework for the ethical practice of law.

- [17] Furthermore, for purposes of determining the lawyer's authority and responsibility, principles of substantive law external to these rules determine whether a client-lawyer relationship exists. Most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so. But there are some duties, such as that of confidentiality under rule 32:1.6, that attach when the lawyer agrees to consider whether a client-lawyer relationship shall be established. *See* rule 32:1.18. Whether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and may be a question of fact.
- [18] Under various legal provisions, including constitutional, statutory, and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships. For example, a lawyer for a government agency may have authority on behalf of the government to decide upon settlement or whether to appeal from an adverse judgment. Such authority in various respects is generally vested in the attorney general and the state's attorney in state government, and their federal counterparts, and the same may be true of other government law officers. Also, lawyers under the supervision of these officers may be authorized to represent several government agencies in intragovernmental legal controversies in circumstances where a private lawyer could not represent multiple private clients. These rules do not abrogate any such authority.
- [19] Failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. The rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that a lawyer often has to act upon uncertain or incomplete evidence of the situation. Moreover, the rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors, and whether there have been previous violations.
- [20] Violation of a rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached. In addition, violation of a rule does not necessarily warrant any other nondisciplinary remedy, such as disqualification of a lawyer in pending litigation. The rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the rule. Nevertheless, since the rules do establish standards of conduct by lawyers, a lawyer's violation of a rule may be evidence of breach of the applicable standard of conduct.
- [21] The comment accompanying each rule explains and illustrates the meaning and purpose of the rule. The Preamble and this note on Scope provide general orientation. The comments are intended as guides to interpretation, but the text of each rule is authoritative.

Rule 32:1.0 TERMINOLOGY

- (a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.
- (b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.
- (c) "Firm" or "law firm" denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization.
- (d) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.
- (e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and

reasonably available alternatives to the proposed course of conduct.

- (f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.
- (g) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.
- (h) "Reasonable" or "reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.
- (i) "Reasonable belief" or "reasonably believes" when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.
- (j) "Reasonably should know" when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.
- (k) "Screened" denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these rules or other law.
- (l) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.
- (m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding, or a legislative body, administrative agency, or other body acting in an adjudicative capacity. A legislative body, administrative agency, or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.
- (n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording, and electronic communications. A "signed" writing includes an electronic sound, symbol, or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Comment

Confirmed in Writing

[1] If it is not feasible to obtain or transmit a written confirmation at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. If a lawyer has obtained a client's informed consent, the lawyer may act in reliance on that consent so long as it is confirmed in writing within a reasonable time thereafter.

Firm

- [2] Whether two or more lawyers constitute a firm within paragraph (c) can depend on the specific facts. For example, two practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a firm. However, if they present themselves to the public in a way that suggests that they are a firm or conduct themselves as a firm, they should be regarded as a firm for purposes of the rules. The terms of any formal agreement between associated lawyers are relevant in determining whether they are a firm, as is the fact that they have mutual access to information concerning the clients they serve. Furthermore, it is relevant in doubtful cases to consider the underlying purpose of the rule that is involved. A group of lawyers could be regarded as a firm for purposes of the rule that the same lawyer should not represent opposing parties in litigation, while it might not be so regarded for purposes of the rule that information acquired by one lawyer is attributed to another.
- [3] With respect to the law department of an organization, including the government, there is ordinarily no question that the members of the department constitute a firm within the meaning of the Iowa Rules of Professional Conduct. There can be uncertainty, however, as to the identity of the client. For example, it may not be clear whether the law department of a corporation represents a subsidiary or an affiliated corporation, as well as the corporation by which the members of the department are directly employed. A similar question can arise concerning an unincorporated association and its local affiliates.

[4] Similar questions can also arise with respect to lawyers in legal aid and legal services organizations. Depending upon the structure of the organization, the entire organization or different components of it may constitute a firm or firms for purposes of these rules.

Fraud

[5] When used in these rules, the terms "fraud" or "fraudulent" refer to conduct that is characterized as such under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive. This does not include merely negligent misrepresentation or negligent failure to apprise another of relevant information. For purposes of these rules, it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.

Informed Consent

- [6] Many of the Iowa Rules of Professional Conduct require the lawyer to obtain the informed consent of a client or other person (e.g., a former client or, under certain circumstances, a prospective client) before accepting or continuing representation or pursuing a course of conduct. See, e.g., rules 32:1.2(c), 32:1.6(a), 32:1.7(b), 32:1.9(a), 32:1.11(a), 32:1.12(a), and 32:1.18(d). The communication necessary to obtain such consent will vary according to the rule involved and the circumstances giving rise to the need to obtain informed consent. The lawyer must make reasonable efforts to ensure that the client or other person possesses information reasonably adequate to make an informed decision. Ordinarily, this will require communication that includes a disclosure of the facts and circumstances giving rise to the situation, any explanation reasonably necessary to inform the client or other person of the material advantages and disadvantages of the proposed course of conduct, and a discussion of the client's or other person's options and alternatives. In some circumstances it may be appropriate for a lawyer to advise a client or other person to seek the advice of other counsel. A lawyer need not inform a client or other person of facts or implications already known to the client or other person; nevertheless, a lawyer who does not personally inform the client or other person assumes the risk that the client or other person is inadequately informed and the consent is invalid. In determining whether the information and explanation provided are reasonably adequate, relevant factors include whether the client or other person is experienced in legal matters generally and in making decisions of the type involved, and whether the client or other person is independently represented by other counsel in giving the consent. Normally, such persons need less information and explanation than others, and generally a client or other person who is independently represented by other counsel in giving the consent should be assumed to have given informed consent.
- [7] Obtaining informed consent will usually require an affirmative response by the client or other person. In general, a lawyer may not assume consent from a client's or other person's silence. Consent may be inferred, however, from the conduct of a client or other person who has reasonably adequate information about the matter. A number of rules require that a person's consent be confirmed in writing. See rules 32:1.7(b), 32:1.9(a), 32:1.11(a), 32:1.12(a), and 32:1.18(d). For a definition of "writing" and "confirmed in writing," see paragraphs (n) and (b). Other rules require that a client's consent be obtained in a writing signed by the client. See, e.g., rules 32:1.8(a) and (g). For a definition of "signed," see paragraph (n).

Screened

- [8] This definition applies to situations where screening of a personally disqualified lawyer is permitted to remove imputation of a conflict of interest under rule 32:1.10, 32:1.11, 32:1.12, or 32:1.18.
- [9] The purpose of screening is to assure the affected parties that confidential information known by the personally disqualified lawyer remains protected. The personally disqualified lawyer should acknowledge the obligation not to communicate with any of the other lawyers in the firm with respect to the matter. Similarly, other lawyers in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce, and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake

such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other information, including information in electronic form, relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer relating to the matter, denial of access by the screened lawyer to firm files or other information, including information in electronic form, relating to the matter, and periodic reminders of the screen to the screened lawyer and all other firm personnel.

[10] In order to be effective, screening measures must be implemented as soon as practical after a lawyer or law firm knows or reasonably should know that there is a need for screening. [Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

CLIENT-LAWYER RELATIONSHIP

Rule 32:1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Comment

Legal Knowledge and Skill

- [1] In determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question, the preparation and study the lawyer is able to give the matter, and whether it is feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question. In many instances, the required proficiency is that of a general practitioner. Expertise in a particular field of law may be required in some circumstances.
- [2] A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence, and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.
- [3] In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to or consultation or association with another lawyer would be impractical. Even in an emergency, however, assistance should be limited to that reasonably necessary in the circumstances, for ill-considered action under emergency conditions can jeopardize the client's interest.
- [4] A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation. This applies as well to a lawyer who is appointed as counsel for an unrepresented person. *See also* rule 32:6.2.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. *See* rule 32:1.2(c).

Retaining or Contracting With Other Lawyers

- [6] Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer should ordinarily obtain informed consent from the client and must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client. *See also* rules 32:1.2 (allocation of authority), 32:1.4 (communication with client), 32:1.5(3) (fee sharing), 32:1.6 (confidentiality), and 32:5.5(a) (unauthorized practice of law). The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience, and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information.
- [7] When lawyers from more than one law firm are providing legal services to the client on a particular matter, the lawyers ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. *See* rule 32:1.2. When making allocations of responsibility in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these rules.

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject.

[Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

- (a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by rule 32:1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify.
- (b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social, or moral views or activities.
- (c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.
 - (1) The client's informed consent must be confirmed in writing unless:
 - (i) the representation of the client consists solely of telephone consultation;
- (ii) the representation is provided by a lawyer employed by a nonprofit legal services program or participating in a nonprofit or court-annexed legal services program and the lawyer's representation consists solely of providing information and advice or the preparation of court-approved legal forms; or
- (iii) the court appoints the attorney for a limited purpose that is set forth in the appointment order.
- (2) If the client gives informed consent in a writing signed by the client, there shall be a presumption that:
 - (i) the representation is limited to the attorney and the services described in the writing; and
- (ii) the attorney does not represent the client generally or in any matters other than those identified in the writing.
- (d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

Comment

Allocation of Authority between Client and Lawyer

- [1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See rule 32:1.4(a)(1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by rule 32:1.4(a)(2) and may take such action as is impliedly authorized to carry out the representation.
- [2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal, and tactical matters. Conversely, lawyers usually defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See rule 32:1.16(b)(4). Conversely, the client may resolve the disagreement by discharging the lawyer. See rule 32:1.16(a)(3).
- [3] At the outset of a representation, the client may authorize the lawyer to take specific action on the client's behalf without further consultation. Absent a material change in circumstances and subject to rule 32:1.4, a lawyer may rely on such an advance authorization. The client may, however, revoke such authority at any time.
- [4] In a case in which the client appears to be suffering diminished capacity, the lawyer's duty to abide by the client's decisions is to be guided by reference to rule 32:1.14.

Independence from Client's Views or Activities

[5] Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. By the same token, representing a client does not constitute approval of the client's views or activities.

Agreements Limiting Scope of Representation

- [6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.
- [7] Although this rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

See rule 32:1.1.

[8] All agreements concerning a lawyer's representation of a client must accord with the Iowa Rules of Professional Conduct and other law. *See, e.g.*, rules 32:1.1, 32:1.8, and 32:5.6.

Criminal, Fraudulent, and Prohibited Transactions

- [9] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. Nor does the fact that a client uses advice in a course of action that is criminal or fraudulent of itself make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.
- [10] When the client's course of action has already begun and is continuing, the lawyer's responsibility is especially delicate. The lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by suggesting how the wrongdoing might be concealed. A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is criminal or fraudulent. The lawyer must, therefore, withdraw from the representation of the client in the matter. See rule 32:1.16(a). In some cases, withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, document, affirmation, or the like. See rule 32:4.1.
- [11] Where the client is a fiduciary, the lawyer may be charged with special obligations in dealings with a beneficiary.
- [12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence, a lawyer must not participate in a transaction to effectuate criminal or fraudulent avoidance of tax liability. Paragraph (d) does not preclude undertaking a criminal defense incident to a general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.
- [13] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Iowa Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the limitations on the lawyer's conduct. See rule 32:1.4(a)(5).

[Court Order April 20, 2005, effective July 1, 2005; March 12, 2007]

Rule 32:1.3 DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

Comment

- [1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. *See* rule 32:1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect. *See* Iowa Ct. R. ch. 33.
 - [2] A lawyer's work load must be controlled so that each matter can be handled competently.
- [3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness.

A lawyer's duty to act with reasonable promptness, however, does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the lawyer's client.

- [4] Unless the relationship is terminated as provided in rule 32:1.16, a lawyer should carry through to conclusion all matters undertaken for a client. If a lawyer's employment is limited to a specific matter, the relationship terminates when the matter has been resolved. If a lawyer has served a client over a substantial period in a variety of matters, the client sometimes may assume that the lawyer will continue to serve on a continuing basis unless the lawyer gives notice of withdrawal. Doubt about whether a client-lawyer relationship still exists should be clarified by the lawyer, preferably in writing, so that the client will not mistakenly suppose the lawyer is looking after the client's affairs when the lawyer has ceased to do so. For example, if a lawyer has handled a judicial or administrative proceeding that produced a result adverse to the client and the lawyer and the client have not agreed that the lawyer will handle the matter on appeal, the lawyer must consult with the client about the possibility of appeal before relinquishing responsibility for the matter. See rule 32:1.4(a)(2). Whether the lawyer is obligated to prosecute the appeal for the client depends on the scope of the representation the lawyer has agreed to provide to the client or other applicable law. See rule 32:1.2. See, e.g., Iowa R. Crim. P. 2.29(6); Iowa Rs. App. P. 6.102(1)(b) and 6.201, 6.109(4) and 6.109(5).
- [5] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. *See* Iowa Ct. R. 35.17(6) and 35.18 (where reasonable necessity exists, the local chief judge shall appoint a lawyer to serve as trustee to inventory files, sequester client funds, and take any other appropriate action to protect the interests of the clients and other affected persons of a deceased, suspended, or disabled lawyer).

[Court Order April 20, 2005, effective July 1, 2005; February 20, 2012]

Rule 32:1.4 COMMUNICATION

- (a) A lawyer shall:
- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in rule 32:1.0(e), is required by these rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - (3) keep the client reasonably informed about the status of the matter;
 - (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Iowa Rules of Professional Conduct or other law.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Comment

[1] Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation.

Communicating with Client

- [2] If these rules require that a particular decision about the representation be made by the client, paragraph (a)(1) requires that the lawyer promptly consult with and secure the client's consent prior to taking action unless prior discussions with the client have resolved what action the client wants the lawyer to take. For example, a lawyer who receives from opposing counsel an offer of settlement in a civil controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance unless the client has previously indicated that the proposal will be acceptable or unacceptable or has authorized the lawyer to accept or to reject the offer. See rule 32:1.2(a).
- [3] Paragraph (a)(2) requires the lawyer to reasonably consult with the client about the means to be used to accomplish the client's objectives. The lawyer should also discuss relevant provisions of the Standards for Professional Conduct and indicate the lawyer's intent to follow those Standards

whenever possible. See Iowa Ct. R. ch. 33. In some situations—depending on both the importance of the action under consideration and the feasibility of consulting with the client—this duty will require consultation prior to taking action. In other circumstances, such as during a trial when an immediate decision must be made, the exigency of the situation may require the lawyer to act without prior consultation. In such cases the lawyer must nonetheless act reasonably to inform the client of actions the lawyer has taken on the client's behalf. Additionally, paragraph (a)(3) requires that the lawyer keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation.

[4] A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the request and advise the client when a response may be expected. A lawyer should promptly respond to or acknowledge client communications.

Explaining Matters

- [5] The client should have sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued, to the extent the client is willing and able to do so. Adequacy of communication depends in part on the kind of advice or assistance that is involved. For example, when there is time to explain a proposal made in a negotiation, the lawyer should review all important provisions with the client before proceeding to an agreement. In litigation a lawyer should explain the general strategy and prospects of success and ordinarily should consult the client on tactics that are likely to result in significant expense or to injure or coerce others. On the other hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client's best interests, and the client's overall requirements as to the character of representation. In certain circumstances, such as when a lawyer asks a client to consent to a representation affected by a conflict of interest, the client must give informed consent, as defined in rule 32:1.0(e).
- [6] Ordinarily, the information to be provided is that appropriate for a client who is a comprehending and responsible adult. However, fully informing the client according to this standard may be impracticable, for example, where the client is a child or suffers from diminished capacity. See rule 32:1.14. When the client is an organization or group, it is often impossible or inappropriate to inform every one of its members about its legal affairs; ordinarily, the lawyer should address communications to the appropriate officials of the organization. See rule 32:1.13. Where many routine matters are involved, a system of limited or occasional reporting may be arranged with the client

Withholding Information

[7] In some circumstances, a lawyer may be justified in delaying transmission of information when the client would be likely to react imprudently to an immediate communication. Thus, a lawyer might withhold a psychiatric diagnosis of a client when the examining psychiatrist indicates that disclosure would harm the client. A lawyer may not withhold information to serve the lawyer's own interest or convenience or the interests or convenience of another person. Rules or court orders governing litigation may provide that information supplied to a lawyer may not be disclosed to the client. Rule 32:3.4(c) directs compliance with such rules or orders.

[Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:1.5 FEES

- (a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses, or violate any restrictions imposed by law. The factors to be considered in determining the reasonableness of a fee include the following:
- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
 - (2) the likelihood, if apparent to the client, that the acceptance of the particular employment

will preclude other employment by the lawyer;

- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
 - (8) whether the fee is fixed or contingent.
- (b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.
- (c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial, or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.
 - (d) A lawyer shall not enter into an arrangement for, charge, or collect:
- (1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or
 - (2) a contingent fee for representing a defendant in a criminal case.
 - (e) A division of a fee between lawyers who are not in the same firm may be made only if:
- (1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;
- (2) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and
 - (3) the total fee is reasonable.

Comment

Reasonableness and Legality of Fee and Expenses

[1] Paragraph (a) requires that lawyers charge fees that are reasonable under the circumstances. The factors specified in (1) through (8) are not exclusive. Nor will each factor be relevant in each instance. Paragraph (a) also requires that expenses for which the client will be charged must be reasonable. A lawyer may seek reimbursement for the cost of services performed in-house, such as copying, or for other expenses incurred in-house, such as telephone charges, either by charging a reasonable amount to which the client has agreed in advance or by charging an amount that reasonably reflects the cost incurred by the lawyer. A fee that is otherwise reasonable may be subject to legal limitations, of which the lawyer should be aware. For example, a lawyer must comply with restrictions imposed by statute or court rule on the timing and amount of fees in probate.

Basis or Rate of Fee

[2] When the lawyer has regularly represented a client, they ordinarily will have evolved an understanding concerning the basis or rate of the fee and the expenses for which the client will be responsible. In a new client-lawyer relationship, however, an understanding as to fees and expenses must be promptly established. Generally, it is desirable to furnish the client with at least a simple memorandum or copy of the lawyer's customary fee arrangements that states the general nature of

the legal services to be provided, the basis, rate, or total amount of the fee, and whether and to what extent the client will be responsible for any costs, expenses, or disbursements in the course of the representation. A written statement concerning the terms of the engagement reduces the possibility of misunderstanding.

[3] Contingent fees, like any other fees, are subject to the reasonableness standard of paragraph (a) of this rule. In determining whether a particular contingent fee is reasonable, or whether it is reasonable to charge any form of contingent fee, a lawyer must consider the factors that are relevant under the circumstances. Applicable law may impose limitations on contingent fees, such as a ceiling on the percentage allowable, or may require a lawyer to offer clients an alternative basis for the fee. Applicable law also may apply to situations other than a contingent fee, for example, government regulations regarding fees in certain tax matters.

Terms of Payment

- [4] A lawyer may require advance payment of a fee, but is obliged to return any unearned portion. See rule 32:1.16(d). A lawyer may accept property in payment for services, such as an ownership interest in an enterprise, providing this does not involve acquisition of a proprietary interest in the cause of action or subject matter of the litigation contrary to rule 32:1.8(i). However, a fee paid in property instead of money may be subject to the requirements of rule 32:1.8(a) because such fees often have the essential qualities of a business transaction with the client.
- [5] An agreement may not be made whose terms might induce the lawyer improperly to curtail services for the client or perform them in a way contrary to the client's interest. For example, a lawyer should not enter into an agreement whereby services are to be provided only up to a stated amount when it is foreseeable that more extensive services probably will be required, unless the situation is adequately explained to the client. Otherwise, the client might have to bargain for further assistance in the midst of a proceeding or transaction. However, it is proper to define the extent of services in light of the client's ability to pay. A lawyer should not exploit a fee arrangement based primarily on hourly charges by using wasteful procedures.

Prohibited Contingent Fees

[6] Paragraph (d) prohibits a lawyer from charging a contingent fee in a domestic relations matter when payment is contingent upon the securing of a divorce or upon the amount of alimony or support or property settlement to be obtained. This provision does not preclude a contract for a contingent fee for legal representation in connection with the recovery of post-judgment balances due under support, alimony, or other financial orders because such contracts do not implicate the same policy concerns.

Division of Fee

- [7] A division of fee is a single billing to a client covering the fee of two or more lawyers who are not in the same firm. A division of fee facilitates association of more than one lawyer in a matter in which neither alone could serve the client as well, and most often is used when the fee is contingent and the division is between a referring lawyer and a trial specialist. Paragraph (e) permits the lawyers to divide a fee either on the basis of the proportion of services they render or if each lawyer assumes responsibility for the representation as a whole. In addition, the client must agree to the arrangement, including the share that each lawyer is to receive, and the agreement must be confirmed in writing. Contingent fee agreements must be in a writing signed by the client and must otherwise comply with paragraph (c) of this rule. Joint responsibility for the representation entails financial and ethical responsibility for the representation as if the lawyers were associated in a partnership. A lawyer should only refer a matter to a lawyer whom the referring lawyer reasonably believes is competent to handle the matter. See rule 32:1.1.
- [8] Paragraph (e) does not prohibit or regulate division of fees to be received in the future for work done when lawyers were previously associated in a law firm.

Disputes over Fees

[9] If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the bar, the lawyer must comply with the procedure when it is mandatory, and, even when it is voluntary, the lawyer should conscientiously consider submitting to it. Law may prescribe a procedure for determining a lawyer's fee, for example, in representation of an executor or administrator, a class or a person entitled to a reasonable fee as part of the measure of damages. The lawyer entitled to such a fee and a lawyer representing another party concerned with the fee should comply with the prescribed procedure.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.6 CONFIDENTIALITY OF INFORMATION

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b) or required by paragraph (c).
- (b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - (1) to prevent reasonably certain death or substantial bodily harm;
- (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
- (3) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's compliance with these rules;
- (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
 - (6) to comply with other law or a court order; or
- (7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- (c) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent imminent death or substantial bodily harm.
- (d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Comment

- [1] This rule governs the disclosure by a lawyer of information relating to the representation of a client during the lawyer's representation of the client. See rule 32:1.18 for the lawyer's duties with respect to information provided to the lawyer by a prospective client, rule 32:1.9(c)(2) for the lawyer's duty not to reveal information relating to the lawyer's prior representation of a former client, and rules 32:1.8(b) and 32:1.9(c)(1) for the lawyer's duties with respect to the use of such information to the disadvantage of clients and former clients.
- [2] A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation. See rule 32:1.0(e) for the definition of informed consent. This contributes to the trust that is the hallmark of the client-lawyer relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct. Almost without exception, clients come to lawyers in order to determine their rights and what is, in the complex of laws and regulations, deemed to be legal and correct. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.
- [3] The principle of client-lawyer confidentiality is given effect by related bodies of law: the attorney-client privilege, the work product doctrine, and the rule of confidentiality established in professional ethics. The attorney-client privilege and work-product doctrine apply in judicial and

other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule, for example, applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Iowa Rules of Professional Conduct or other law. *See also* Scope.

[4] Paragraph (a) prohibits a lawyer from revealing information relating to the representation of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

Authorized Disclosure

[5] Except to the extent that the client's instructions or special circumstances limit that authority, a lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation. In some situations, for example, a lawyer may be impliedly authorized to admit a fact that cannot properly be disputed or to make a disclosure that facilitates a satisfactory conclusion to a matter. Lawyers in a firm may, in the course of the firm's practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.

Permissive Disclosure Adverse to Client

- [6] Although the public interest is usually best served by a strict rule requiring lawyers to preserve the confidentiality of information relating to the representation of their clients, the confidentiality rule is subject to limited exceptions. Paragraph (b)(1) recognizes the overriding value of life and physical integrity and permits disclosure reasonably necessary to prevent reasonably certain death or substantial bodily harm. Such harm is reasonably certain to occur if it will be suffered in the near future or if there is a present and substantial threat that a person will suffer such harm at a later date if the lawyer fails to take action necessary to eliminate the threat. Thus, a lawyer who knows that a client has accidentally discharged toxic waste into a town's water supply may reveal this information to the authorities if there is a present and substantial risk that a person who drinks the water will contract a life-threatening or debilitating disease and the lawyer's disclosure is necessary to eliminate the threat or reduce the number of victims.
- [7] Paragraph (b)(2) is a limited exception to the rule of confidentiality that permits the lawyer to reveal information to the extent necessary to enable affected persons or appropriate authorities to prevent the client from committing a crime or fraud, as defined in rule 32:1.0(d), that is reasonably certain to result in substantial injury to the financial or property interests of another and in furtherance of which the client has used or is using the lawyer's services. Such a serious abuse of the client-lawyer relationship by the client forfeits the protection of this rule. The client can, of course, prevent such disclosure by refraining from the wrongful conduct. Although paragraph (b)(2) does not require the lawyer to reveal the client's misconduct, the lawyer may not counsel or assist the client in conduct the lawyer knows is criminal or fraudulent. See rule 32:1.2(d). See also rule 32:1.16 with respect to the lawyer's obligation or right to withdraw from the representation of the client in such circumstances, and rule 32:1.13(c), which permits the lawyer, where the client is an organization, to reveal information relating to the representation in limited circumstances.
- [8] Paragraph (b)(3) addresses the situation in which the lawyer does not learn of the client's crime or fraud until after it has been consummated. Although the client no longer has the option of preventing disclosure by refraining from the wrongful conduct, there will be situations in which the loss suffered by the affected person can be prevented, rectified, or mitigated. In such situations, the lawyer may disclose information relating to the representation to the extent necessary to enable the affected persons to prevent or mitigate reasonably certain losses or to attempt to recoup their losses. Paragraph (b)(3) does not apply when a person who has committed a crime or fraud thereafter employs a lawyer for representation concerning that offense.

- [9] A lawyer's confidentiality obligations do not preclude a lawyer from securing confidential legal advice about the lawyer's personal responsibility to comply with these rules. In most situations, disclosing information to secure such advice will be impliedly authorized for the lawyer to carry out the representation. Even when the disclosure is not impliedly authorized, paragraph (b)(4) permits such disclosure because of the importance of a lawyer's compliance with the Iowa Rules of Professional Conduct.
- [10] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Such a charge can arise in a civil, criminal, disciplinary, or other proceeding and can be based on a wrong allegedly committed by the lawyer against the client or on a wrong alleged by a third person, for example, a person claiming to have been defrauded by the lawyer and client acting together. The lawyer's right to respond arises when an assertion of such complicity has been made. Paragraph (b)(5) does not require the lawyer to await the commencement of an action or proceeding that charges such complicity, so that the defense may be established by responding directly to a third party who has made such an assertion. The right to defend also applies, of course, where a proceeding has been commenced.
- [11] A lawyer entitled to a fee is permitted by paragraph (b)(5) to prove the services rendered in an action to collect it. This aspect of the rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary.
- [12] Other law may require that a lawyer disclose information about a client. Whether such a law supersedes rule 32:1.6 is a question of law beyond the scope of these rules. When disclosure of information relating to the representation appears to be required by other law, the lawyer must discuss the matter with the client to the extent required by rule 32:1.4. If, however, the other law supersedes this rule and requires disclosure, paragraph (b)(6) permits the lawyer to make such disclosures as are necessary to comply with the law.

Detection of Conflicts of Interest

- [13] Paragraph (b)(7) recognizes that lawyers in different firms may need to disclose limited information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering a merger, or a lawyer is considering the purchase of a law practice. See rule 32:1.17, comment [7]. Under these circumstances, lawyers and law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter has terminated. Even this limited information, however, should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship. Moreover, the disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these rules.
- [14] Any information disclosed pursuant to paragraph (b)(7) may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest. Paragraph (b)(7) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (b)(7). Paragraph (b)(7) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, *see* comment [5], such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.
- [15] A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to

compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by rule 32:1.4. Unless review is sought, however, paragraph (b)(6) permits the lawyer to comply with the court's order.

- [16] Paragraph (b) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified. Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.
- [17] Paragraph (b) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (b)(1) through (b)(6). In exercising the discretion conferred by this rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction, and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (b) does not violate this rule. Disclosure may be required, however, by other rules. Some rules require disclosure only if such disclosure would be permitted by paragraph (b). See rules 32:1.2(d), 32:4.1(b), 32:8.1, and 32:8.3. Rule 32:3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this rule. See rule 32:3.3(c).

Acting Competently to Preserve Confidentiality

- [18] Paragraph (c) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See rules 32:1.1, 32:5.1, and 32:5.3. The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this rule or may give informed consent to forgo security measures that would otherwise be required by this rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see rule 32:5.3, comments [3]-[4].
- [19] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this rule. Whether a lawyer may be required to take additional steps in order to comply with other laws, such as state and federal laws that govern data privacy, is

beyond the scope of these rules.

Former Client

[20] The duty of confidentiality continues after the client-lawyer relationship has terminated. *See* rule 32:1.9(c)(2). See rule 32:1.9(c)(1) for the prohibition against using such information to the disadvantage of the former client.

Required Disclosure Adverse to Client

[21] Rule 32:1.6(c) requires a lawyer to reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent imminent death or substantial bodily harm. Rule 32:1.6(c) differs from rule 32:1.6(b)(1) in that rule 32:1.6(b)(1) permits, but does not require, disclosure in situations where death or substantial bodily harm is deemed to be reasonably certain rather than imminent. For purposes of rule 32:1.6, "reasonably certain" includes situations where the lawyer knows or reasonably believes the harm will occur, but there is still time for independent discovery and prevention of the harm without the lawyer's disclosure. For purposes of this rule, death or substantial bodily harm is "imminent" if the lawyer knows or reasonably believes it is unlikely that the death or harm can be prevented unless the lawyer immediately discloses the information.

[Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.
- (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - (4) each affected client gives informed consent, confirmed in writing.
 - (c) In no event shall a lawyer represent both parties in dissolution of marriage proceedings.

Comment

General Principles

- [1] Loyalty and independent judgment are essential elements in the lawyer's relationship to a client. Concurrent conflicts of interest can arise from the lawyer's responsibilities to another client, a former client or a third person, or from the lawyer's own interests. For specific rules regarding certain concurrent conflicts of interest, see rule 32:1.8. For former client conflicts of interest, see rule 32:1.9. For conflicts of interest involving prospective clients, see rule 32:1.18. For definitions of "informed consent" and "confirmed in writing," see rule 32:1.0(e) and (b).
- [2] Resolution of a conflict of interest problem under this rule requires the lawyer to: 1) clearly identify the client or clients; 2) determine whether a conflict of interest exists; 3) decide whether the representation may be undertaken despite the existence of a conflict, i.e., whether the conflict is consentable; and 4) if so, consult with the clients affected under paragraph (a) and obtain their informed consent, confirmed in writing. The clients affected under paragraph (a) include both of the clients referred to in paragraph (a)(1) and the one or more clients whose representation might be

materially limited under paragraph (a)(2).

- [3] A conflict of interest may exist before representation is undertaken, in which event the representation must be declined, unless the lawyer obtains the informed consent of each client under the conditions of paragraph (b). To determine whether a conflict of interest exists, a lawyer should adopt reasonable procedures, appropriate for the size and type of firm and practice, to determine in both litigation and non-litigation matters the persons and issues involved. *See also* comment to rule 32:5.1. Ignorance caused by a failure to institute such procedures will not excuse a lawyer's violation of this rule. As to whether a client-lawyer relationship exists or, having once been established, is continuing, see comment to rule 32:1.3 and Scope.
- [4] If a conflict arises after representation has been undertaken, the lawyer ordinarily must withdraw from the representation, unless the lawyer has obtained the informed consent of the client under the conditions of paragraph (b). See rule 32:1.16. Where more than one client is involved, whether the lawyer may continue to represent any of the clients is determined both by the lawyer's ability to comply with duties owed to the former client and by the lawyer's ability to represent adequately the remaining client or clients, given the lawyer's duties to the former client. See rule 32:1.9. See also comments [5] and [29].
- [5] Unforeseeable developments, such as changes in corporate and other organizational affiliations or the addition or realignment of parties in litigation, might create conflicts in the midst of a representation, as when a company sued by the lawyer on behalf of one client is bought by another client represented by the lawyer in an unrelated matter. Depending on the circumstances, the lawyer may have the option to withdraw from one of the representations in order to avoid the conflict. The lawyer must seek court approval where necessary and take steps to minimize harm to the clients. See rule 32:1.16. The lawyer must continue to protect the confidences of the client from whose representation the lawyer has withdrawn. See rule 32:1.9(c).

Identifying Conflicts of Interest: Directly Adverse

- [6] Loyalty to a current client prohibits undertaking representation directly adverse to that client without that client's informed consent. Thus, absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated. The client as to whom the representation is directly adverse is likely to feel betrayed, and the resulting damage to the client-lawyer relationship is likely to impair the lawyer's ability to represent the client effectively. In addition, the client on whose behalf the adverse representation is undertaken reasonably may fear that the lawyer will pursue that client's case less effectively out of deference to the other client, i.e., that the representation may be materially limited by the lawyer's interest in retaining the current client. Similarly, a directly adverse conflict may arise when a lawyer is required to cross-examine a client who appears as a witness in a lawsuit involving another client, as when the testimony will be damaging to the client who is represented in the lawsuit. On the other hand, simultaneous representation in unrelated matters of clients whose interests are only economically adverse, such as representation of competing economic enterprises in unrelated litigation, does not ordinarily constitute a conflict of interest and thus may not require consent of the respective clients.
- [7] Directly adverse conflicts can also arise in transactional matters. For example, if a lawyer is asked to represent the seller of a business in negotiations with a buyer represented by the lawyer, not in the same transaction but in another, unrelated matter, the lawyer could not undertake the representation without the informed consent of each client.

Identifying Conflicts of Interest: Material Limitation

[8] Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend, or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer's other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that

a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

Lawyer's Responsibilities to Former Clients and Other Third Persons

[9] In addition to conflicts with other current clients, a lawyer's duties of loyalty and independence may be materially limited by responsibilities to former clients under rule 32:1.9 or by the lawyer's responsibilities to other persons, such as fiduciary duties arising from a lawyer's service as a trustee, executor, or corporate director.

Personal Interest Conflicts

- [10] The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer's client, or with a law firm representing the opponent, such discussions could materially limit the lawyer's representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. See rule 32:1.8 for specific rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also rule 32:1.10 (personal interest conflicts under rule 32:1.7 ordinarily are not imputed to other lawyers in a law firm).
- [11] When lawyers representing different clients in the same matter or in substantially related matters are closely related by blood or marriage, there may be a significant risk that client confidences will be revealed and that the lawyer's family relationship will interfere with both loyalty and independent professional judgment. As a result, each client is entitled to know of the existence and implications of the relationship between the lawyers before the lawyer agrees to undertake the representation. Thus, a lawyer related to another lawyer, e.g., a parent, child, sibling, spouse, cohabiting partner, or lawyer related in any other familial or romantic capacity, ordinarily may not represent a client in a matter where that lawyer is representing another party, unless each client gives informed consent. The disqualification arising from a close family relationship is personal and ordinarily is not imputed to members of firms with whom the lawyers are associated. *See* rule 32:1.10.
- [12] A lawyer is prohibited from engaging in sexual relationships with a client unless the sexual relationship predates the formation of the client-lawyer relationship. *See* rule 32:1.8(j).

Interest of Person Paying for a Lawyer's Service

- [13] A lawyer may be paid from a source other than the client, including a co-client, if the client is informed of that fact and consents and the arrangement does not compromise the lawyer's duty of loyalty or independent judgment to the client. *See* rule 32:1.8(f). If acceptance of the payment from any other source presents a significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in accommodating the person paying the lawyer's fee or by the lawyer's responsibilities to a payer who is also a co-client, then the lawyer must comply with the requirements of paragraph (b) before accepting the representation, including determining whether the conflict is consentable and, if so, that the client has adequate information about the material risks of the representation.
- [13a] Where a lawyer has been retained by an insurer to represent the insured pursuant to the insurer's obligations under a liability insurance policy, the lawyer may comply with reasonable cost-containment litigation guidelines proposed by the insurer if such guidelines do not materially interfere with the lawyer's duty to exercise independent professional judgment to protect the reasonable interests of the insured, do not regulate the details of the lawyer's performance, and do not materially limit the professional discretion and control of the lawyer. The lawyer may provide the insurer with a description of the services rendered and time spent, but the lawyer may not agree to provide detailed information that would undermine the protection of confidential client-lawyer information, if the insurer will share such information with a third party. If the lawyer believes that

guidelines proposed by the insurer prevent the lawyer from exercising independent professional judgment or from protecting confidential client information, the lawyer shall identify and explain the conflict of interest to the insurer and insured and also advise the insured of the right to seek independent legal counsel. If the conflict is not eliminated but the insured wants the lawyer to continue the representation, the lawyer may proceed if the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation and the insured's informed consent is obtained pursuant to paragraph (b)(4).

Prohibited Representations

- [14] Ordinarily, clients may consent to representation notwithstanding a conflict. However, as indicated in paragraph (b), some conflicts are nonconsentable, meaning that the lawyer involved cannot properly ask for such agreement or provide representation on the basis of the client's consent. When the lawyer is representing more than one client, the question of consentability must be resolved as to each client.
- [15] Consentability is typically determined by considering whether the interests of the clients will be adequately protected if the clients are permitted to give their informed consent to representation burdened by a conflict of interest. Thus, under paragraph (b)(1), representation is prohibited if in the circumstances the lawyer cannot reasonably conclude that the lawyer will be able to provide competent and diligent representation. *See* rule 32:1.1 (competence) and rule 32:1.3 (diligence).
- [16] Paragraph (b)(2) describes conflicts that are nonconsentable because the representation is prohibited by applicable law.
- [17] Paragraph (b)(3) describes conflicts that are nonconsentable because of the institutional interest in vigorous development of each client's position when the clients are aligned directly against each other in the same litigation or other proceeding before a tribunal. Whether clients are aligned directly against each other within the meaning of this paragraph requires examination of the context of the proceeding. Paragraph (c) provides a specific example of such a nonconsentable conflict, that is, where a lawyer is asked to represent both parties in a marriage dissolution proceeding. Although this paragraph does not preclude a lawyer's multiple representation of adverse parties to a mediation (because mediation is not a proceeding before a "tribunal" under rule 32:1.0(m)), such representation may be precluded by paragraph (b)(1).

Informed Consent

- [18] Informed consent requires that each affected client be aware of the relevant circumstances and of the material and reasonably foreseeable ways that the conflict could have adverse effects on the interests of that client. See rule 32:1.0(e) (informed consent). The information required depends on the nature of the conflict and the nature of the risks involved. When representation of multiple clients in a single matter is undertaken, the information must include the implications of the common representation, including possible effects on loyalty, confidentiality, and the attorney-client privilege and the advantages and risks involved. See comments [30] and [31] (effect of common representation on confidentiality).
- [19] Under some circumstances it may be impossible to make the disclosure necessary to obtain consent. For example, when the lawyer represents different clients in related matters and one of the clients refuses to consent to the disclosure necessary to permit the other client to make an informed decision, the lawyer cannot properly ask the latter to consent. In some cases the alternative to common representation can be that each party may have to obtain separate representation with the possibility of incurring additional costs. These costs, along with the benefits of securing separate representation, are factors that may be considered by the affected client in determining whether common representation is in the client's interests.

Consent Confirmed in Writing

[20] Paragraph (b) requires the lawyer to obtain the informed consent of the client, confirmed in writing. Such a writing may consist of a document executed by the client or one that the lawyer promptly records and transmits to the client following an oral consent. *See* rule 32:1.0(b). *See also* rule 32:1.0(n) (writing includes electronic transmission). If it is not feasible to obtain or transmit the

writing at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. *See* rule 32:1.0(b). The requirement of a writing does not supplant the need in most cases for the lawyer to talk with the client, to explain the risks and advantages, if any, of representation burdened with a conflict of interest, as well as reasonably available alternatives, and to afford the client a reasonable opportunity to consider the risks and alternatives and to raise questions and concerns. Rather, the writing is required in order to impress upon clients the seriousness of the decision the client is being asked to make and to avoid disputes or ambiguities that might later occur in the absence of a writing.

Revoking Consent

[21] A client who has given consent to a conflict may revoke the consent and, like any other client, may terminate the lawyer's representation at any time. Whether revoking consent to the client's own representation precludes the lawyer from continuing to represent other clients depends on the circumstances, including the nature of the conflict, whether the client revoked consent because of a material change in circumstances, the reasonable expectations of the other clients, and whether material detriment to the other clients or the lawyer would result.

Consent to Future Conflict

[22] Whether a lawyer may properly request a client to waive conflicts that might arise in the future is subject to the test of paragraph (b). The effectiveness of such waivers is generally determined by the extent to which the client reasonably understands the material risks that the waiver entails. The more comprehensive the explanation of the types of future representations that might arise and the actual and reasonably foreseeable adverse consequences of those representations, the greater the likelihood that the client will have the requisite understanding. Thus, if the client agrees to consent to a particular type of conflict with which the client is already familiar, then the consent ordinarily will be effective with regard to that type of conflict. If the consent is general and open-ended, then the consent ordinarily will be ineffective, because it is not reasonably likely that the client will have understood the material risks involved. On the other hand, if the client is an experienced user of the legal services involved and is reasonably informed regarding the risk that a conflict may arise, such consent is more likely to be effective, particularly if, e.g., the client is independently represented by other counsel in giving consent and the consent is limited to future conflicts unrelated to the subject of the representation. In any case, advance consent cannot be effective if the circumstances that materialize in the future are such as would make the conflict nonconsentable under paragraph (b).

Conflicts in Litigation

[23] Paragraphs (b)(3) and (c) prohibit representation of opposing parties in the same litigation, regardless of the clients' consent. On the other hand, simultaneous representation of parties whose interests in litigation may conflict, such as coplaintiffs or codefendants, is governed by paragraph (a)(2). A conflict may exist by reason of substantial discrepancy in the parties' testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

[24] Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. The mere fact that advocating a legal position on behalf of one client might create precedent adverse to the interests of a client represented by the lawyer in an unrelated matter does not create a conflict of interest. A conflict of interest exists, however, if there is a significant risk that a lawyer's action on behalf of one client will materially limit the lawyer's effectiveness in representing another client in a different case; for example, when a decision favoring one client will create a precedent likely to seriously weaken the position taken on behalf of the other client. Factors relevant in determining whether the clients need to be advised of the risk include: where the cases are pending, whether the issue is substantive or procedural, the temporal

relationship between the matters, the significance of the issue to the immediate and long-term interests of the clients involved, and the clients' reasonable expectations in retaining the lawyer. If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters.

[25] When a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying paragraph (a)(1) of this rule. Thus, the lawyer does not typically need to get the consent of such a person before representing a client suing the person in an unrelated matter. Similarly, a lawyer seeking to represent an opponent in a class action does not typically need the consent of an unnamed member of the class whom the lawyer represents in an unrelated matter.

Nonlitigation Conflicts

- [26] Conflicts of interest under paragraphs (a)(1) and (a)(2) arise in contexts other than litigation. For a discussion of directly adverse conflicts in transactional matters, see comment [7]. Relevant factors in determining whether there is significant potential for material limitation include the duration and intimacy of the lawyer's relationship with the client or clients involved, the functions being performed by the lawyer, the likelihood that disagreements will arise, and the likely prejudice to the client from the conflict. The question is often one of proximity and degree. See comment [8].
- [27] For example, conflict questions may arise in estate planning and estate administration. A lawyer may be called upon to prepare wills for several family members, such as husband and wife, and, depending upon the circumstances, a conflict of interest may be present. In order to comply with conflict of interest rules, the lawyer should make clear the lawyer's relationship to the parties involved.
- [28] Whether a conflict is consentable depends on the circumstances. For example, a lawyer may not represent multiple parties to a negotiation whose interests are fundamentally antagonistic to each other, but common representation is permissible where the clients are generally aligned in interest even though there is some difference in interest among them. Thus, a lawyer may seek to establish or adjust a relationship between clients on an amicable and mutually advantageous basis; for example, in helping to organize a business in which two or more clients are entrepreneurs, working out the financial reorganization of an enterprise in which two or more clients have an interest, or arranging a property distribution in settlement of an estate. The lawyer seeks to resolve potentially adverse interests by developing the parties' mutual interests. Otherwise, each party might have to obtain separate representation, with the possibility of incurring additional cost, complication, or even litigation. Given these and other relevant factors, the clients may prefer that the lawyer act for all of them.

Special Considerations in Common Representation

[29] In considering whether to represent multiple clients in the same matter, a lawyer should be mindful that if the common representation fails because the potentially adverse interests cannot be reconciled, the result can be additional cost, embarrassment, and recrimination. Ordinarily, the lawyer will be forced to withdraw from representing all of the clients if the common representation fails. In some situations, the risk of failure is so great that multiple representation is plainly impossible. For example, a lawyer cannot undertake common representation of clients where contentious litigation or negotiations between them are imminent or contemplated. Moreover, because the lawyer is required to be impartial between commonly represented clients, representation of multiple clients is improper when it is unlikely that impartiality can be maintained. Generally, if the relationship between the parties has already assumed antagonism, the possibility that the clients' interests can be adequately served by common representation is not very good. Other relevant factors are whether the lawyer subsequently will represent both parties on a continuing basis and whether the situation involves creating or terminating a relationship between the parties.

[30] A particularly important factor in determining the appropriateness of common representation is the effect on client-lawyer confidentiality and the attorney-client privilege. With regard to the attorney-client privilege, the prevailing rule is that, as between commonly represented clients, the privilege does not attach. Hence, it must be assumed that if litigation eventuates between the clients, the privilege will not protect any such communications, and the clients should be so advised.

- [31] As to the duty of confidentiality, continued common representation will almost certainly be inadequate if one client asks the lawyer not to disclose to the other client information relevant to the common representation. This is so because the lawyer has an equal duty of loyalty to each client, and each client has the right to be informed of anything bearing on the representation that might affect that client's interests and the right to expect that the lawyer will use that information to that client's benefit. *See* rule 32:1.4. The lawyer should, at the outset of the common representation and as part of the process of obtaining each client's informed consent, advise each client that information will be shared and that the lawyer will have to withdraw if one client decides that some matter material to the representation should be kept from the other. In limited circumstances, it may be appropriate for the lawyer to proceed with the representation when the clients have agreed, after being properly informed, that the lawyer will keep certain information confidential. For example, the lawyer may reasonably conclude that failure to disclose one client's trade secrets to another client will not adversely affect representation involving a joint venture between the clients and agree to keep that information confidential with the informed consent of both clients.
- [32] When seeking to establish or adjust a relationship between clients, the lawyer should make clear that the lawyer's role is not that of partisanship normally expected in other circumstances and, thus, that the clients may be required to assume greater responsibility for decisions than when each client is separately represented. Any limitations on the scope of the representation made necessary as a result of the common representation should be fully explained to the clients at the outset of the representation. *See* rule 32:1.2(c).
- [33] Subject to the above limitations, each client in the common representation has the right to loyal and diligent representation and the protection of rule 32:1.9 concerning the obligations to a former client. The client also has the right to discharge the lawyer as stated in rule 32:1.16.

Organizational Clients

- [34] A lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary. See rule 32:1.13(a). Thus, the lawyer for an organization is not barred from accepting representation adverse to an affiliate in an unrelated matter, unless the circumstances are such that the affiliate should also be considered a client of the lawyer, there is an understanding between the lawyer and the organizational client that the lawyer will avoid representation adverse to the client's affiliates, or the lawyer's obligations to either the organizational client or the new client are likely to limit materially the lawyer's representation of the other client.
- [35] A lawyer for a corporation or other organization who is also a member of its board of directors should determine whether the responsibilities of the two roles may conflict. The lawyer may be called on to advise the corporation in matters involving actions of the directors. Consideration should be given to the frequency with which such situations may arise, the potential intensity of the conflict, the effect of the lawyer's resignation from the board, and the possibility of the corporation's obtaining legal advice from another lawyer in such situations. If there is material risk that the dual role will compromise the lawyer's independence of professional judgment, the lawyer should not serve as a director or should cease to act as the corporation's lawyer when conflicts of interest arise. The lawyer should advise the other members of the board that in some circumstances matters discussed at board meetings while the lawyer is present in the capacity of director might not be protected by the attorney-client privilege and that conflict of interest considerations might require the lawyer's recusal as a director or might require the lawyer and the lawyer's firm to decline representation of the corporation in a matter.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client unless:
- (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
- (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

- (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- (b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these rules.
- (c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, sibling, grandchild, parent, grandparent, or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.
- (d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.
- (e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:
- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.
- (f) A lawyer shall not accept compensation for representing a client from one other than the client unless:
 - (1) the client gives informed consent;
- (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and
 - (3) information relating to representation of a client is protected as required by rule 32:1.6.
- (g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
 - (h) A lawyer shall not:
- (1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice; or
- (2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.
- (i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:
 - (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
 - (2) contract with a client for a reasonable contingent fee in a civil case.
- (j) A lawyer shall not have sexual relations with a client, or a representative of a client, unless the person is the spouse of the lawyer or the sexual relationship predates the initiation of the client-lawyer relationship. Even in these provisionally exempt relationships, the lawyer should strictly scrutinize the lawyer's behavior for any conflicts of interest to determine if any harm may result to the client or to the representation. If there is any reasonable possibility that the legal representation of the client may be impaired, or the client harmed by the continuation of the sexual relationship, the lawyer should immediately withdraw from the legal representation.
- (k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.
- (l) A lawyer related to another lawyer shall not represent a client whose interests are directly adverse to a person whom the lawyer knows is represented by the related lawyer except upon the client's informed consent, confirmed in a writing signed by the client. Even if the client's interests do not appear to be directly adverse, the lawyer should not undertake the representation of a client if there is a significant risk that the related lawyer's involvement will interfere with the lawyer's loyalty and exercise of independent judgment, or will create

a significant risk that client confidences will be revealed. For purposes of this paragraph, "related lawyer" includes a parent, child, sibling, spouse, cohabiting partner, or lawyer related in any other familial or romantic capacity.

Comment

Business Transactions Between Client and Lawyer

- [1] A lawyer's legal skill and training, together with the relationship of trust and confidence between lawyer and client, create the possibility of overreaching when the lawyer participates in a business, property, or financial transaction with a client, for example, a loan or sales transaction or a lawyer investment on behalf of a client. The requirements of paragraph (a) must be met even when the transaction is not closely related to the subject matter of the representation, as when a lawyer drafting a will for a client learns that the client needs money for unrelated expenses and offers to make a loan to the client. The rule applies to lawyers engaged in the sale of goods or services related to the practice of law, for example, the sale of investment services to existing clients of the lawyer's legal practice. See rule 32:5.7. It also applies to lawyers purchasing property from estates they represent. It does not apply to ordinary fee arrangements between client and lawyer, which are governed by rule 32:1.5, although its requirements must be met when the lawyer accepts an interest in the client's business or other nonmonetary property as payment of all or part of a fee. In addition, the rule does not apply to standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others, for example, banking or brokerage services, medical services, products manufactured or distributed by the client, and utilities' services. In such transactions, the lawyer has no advantage in dealing with the client, and the restrictions in paragraph (a) are unnecessary and impracticable.
- [2] Paragraph (a)(1) requires that the transaction itself be fair to the client and that its essential terms be communicated to the client, in writing, in a manner that can be reasonably understood. Paragraph (a)(2) requires that the client also be advised, in writing, of the desirability of seeking the advice of independent legal counsel. It also requires that the client be given a reasonable opportunity to obtain such advice. Paragraph (a)(3) requires that the lawyer obtain the client's informed consent, in a writing signed by the client, both to the essential terms of the transaction and to the lawyer's role. When necessary, the lawyer should discuss both the material risks of the proposed transaction, including any risk presented by the lawyer's involvement, and the existence of reasonably available alternatives and should explain why the advice of independent legal counsel is desirable. *See* rule 32:1.0(e) (definition of informed consent).
- [3] The risk to a client is greatest when the client expects the lawyer to represent the client in the transaction itself or when the lawyer's financial interest otherwise poses a significant risk that the lawyer's representation of the client will be materially limited by the lawyer's financial interest in the transaction. Here the lawyer's role requires that the lawyer must comply, not only with the requirements of paragraph (a), but also with the requirements of rule 32:1.7. Under that rule, the lawyer must disclose the risks associated with the lawyer's dual role as both legal adviser and participant in the transaction, such as the risk that the lawyer will structure the transaction or give legal advice in a way that favors the lawyer's interests at the expense of the client. Moreover, the lawyer must obtain the client's informed consent. In some cases, the lawyer's interest may be such that rule 32:1.7 will preclude the lawyer from seeking the client's consent to the transaction.
- [4] If the client is independently represented in the transaction, paragraph (a)(2) of this rule is inapplicable, and the paragraph (a)(1) requirement for full disclosure is satisfied either by a written disclosure by the lawyer involved in the transaction or by the client's independent counsel. The fact that the client was independently represented in the transaction is relevant in determining whether the agreement was fair and reasonable to the client as paragraph (a)(1) further requires.

Use of Information Related to Representation

[5] Use of information relating to the representation to the disadvantage of the client violates the lawyer's duty of loyalty. Paragraph (b) applies when the information is used to benefit either the lawyer or a third person, such as another client or business associate of the lawyer. For example, if a lawyer learns that a client intends to purchase and develop several parcels of land, the lawyer

may not use that information to purchase one of the parcels in competition with the client or to recommend that another client make such a purchase. The rule does not prohibit uses that do not disadvantage the client. For example, a lawyer who learns a government agency's interpretation of trade legislation during the representation of one client may properly use that information to benefit other clients. Paragraph (b) prohibits disadvantageous use of client information unless the client gives informed consent, except as permitted or required by these rules. *See* rules 32:1.2(d), 32:1.6, 32:1.9(e), 32:3.3, 32:4.1(b), 32:8.1, and 32:8.3.

Gifts to Lawyers

- [6] A lawyer may accept a gift from a client, if the transaction meets general standards of fairness. For example, a simple gift such as a present given at a holiday or as a token of appreciation is permitted. If a client offers the lawyer a more substantial gift, paragraph (c) does not prohibit the lawyer from accepting it, although such a gift may be voidable by the client under the doctrine of undue influence, which treats client gifts as presumptively fraudulent. In any event, due to concerns about overreaching and imposition on clients, a lawyer may not suggest that a substantial gift be made to the lawyer or for the lawyer's benefit, except where the lawyer is related to the client as set forth in paragraph (c).
- [7] If effectuation of a substantial gift requires preparing a legal instrument such as a will or conveyance the client should have the detached advice that another lawyer can provide. The sole exception to this rule is where the client is a relative of the donee.
- [8] This rule does not prohibit a lawyer from seeking to have the lawyer or a partner or associate of the lawyer named as executor of the client's estate or to another potentially lucrative fiduciary position. Nevertheless, such appointments will be subject to the general conflict of interest provision in rule 32:1.7 when there is a significant risk that the lawyer's interest in obtaining the appointment will materially limit the lawyer's independent professional judgment in advising the client concerning the choice of an executor or other fiduciary. In obtaining the client's informed consent to the conflict, the lawyer should advise the client concerning the nature and extent of the lawyer's financial interest in the appointment, as well as the availability of alternative candidates for the position.

Literary Rights

[9] An agreement by which a lawyer acquires literary or media rights concerning the conduct of the representation creates a conflict between the interests of the client and the personal interests of the lawyer. Measures suitable in the representation of the client may detract from the publication value of an account of the representation. Paragraph (d) does not prohibit a lawyer representing a client in a transaction concerning literary property from agreeing that the lawyer's fee shall consist of a share in ownership in the property, if the arrangement conforms to rule 32:1.5 and paragraphs (a) and (i).

Financial Assistance

[10] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. These dangers do not warrant a prohibition on a lawyer lending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence, because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts. Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted.

Person Paying for a Lawyer's Services

[11] Lawyers are frequently asked to represent a client under circumstances in which a third person will compensate the lawyer, in whole or in part. The third person might be a relative or

friend, an indemnitor (such as a liability insurance company), or a co-client (such as a corporation sued along with one or more of its employees). Because third-party payers frequently have interests that differ from those of the client, including interests in minimizing the amount spent on the representation and in learning how the representation is progressing, lawyers are prohibited from accepting or continuing such representations unless the lawyer determines that there will be no interference with the lawyer's independent professional judgment and there is informed consent from the client. *See also* rule 32:5.4(c) (prohibiting interference with a lawyer's professional judgment by one who recommends, employs, or pays the lawyer to render legal services for another).

[12] Sometimes, it will be sufficient for the lawyer to obtain the client's informed consent regarding the fact of the payment and the identity of the third-party payer. If, however, the fee arrangement creates a conflict of interest for the lawyer, then the lawyer must comply with rule 32:1.7. The lawyer must also conform to the requirements of rule 32:1.6 concerning confidentiality. Under rule 32:1.7(a), a conflict of interest exists if there is significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in the fee arrangement or by the lawyer's responsibilities to the third-party payer (for example, when the third-party payer is a co-client). Under rule 32:1.7(b), the lawyer may accept or continue the representation with the informed consent of each affected client, unless the conflict is nonconsentable under that paragraph. Under rule 32:1.7(b), the informed consent must be confirmed in writing.

[12a] When the lawyer is publicly-compensated, such as in the case of a public defender in a criminal case or a guardian appointed in a civil case or when civil legal services are provided by a legal aid organization, the fee arrangement ordinarily does not pose the same risk of interference with the lawyer's independent professional judgment that exists in other contexts. Under paragraph (f), such a lawyer must disclose the fact that the lawyer is being compensated through public funding or that legal services are being provided as part of a legal aid organization; however, formal consent by the client to the fee arrangement is not required under such circumstances given the limited ability of an indigent client as a practical matter to refuse the services of the lawyer being compensated through public funding or through legal aid.

Aggregate Settlements

[13] Differences in willingness to make or accept an offer of settlement are among the risks of common representation of multiple clients by a single lawyer. Under rule 32:1.7, this is one of the risks that should be discussed before undertaking the representation, as part of the process of obtaining the clients' informed consent. In addition, rule 32:1.2(a) protects each client's right to have the final say in deciding whether to accept or reject an offer of settlement and in deciding whether to enter a guilty or nolo contendere plea in a criminal case. The rule stated in this paragraph is a corollary of both these rules and provides that, before any settlement offer or plea bargain is made or accepted on behalf of multiple clients, the lawyer must inform each of them about all the material terms of the settlement, including what the other clients will receive or pay if the settlement or plea offer is accepted. *See also* rule 32:1.0(e) (definition of informed consent). Lawyers representing a class of plaintiffs or defendants, or those proceeding derivatively, may not have a full client-lawyer relationship with each member of the class; nevertheless, such lawyers must comply with applicable rules regulating notification of class members and other procedural requirements designed to ensure adequate protection of the entire class.

Limiting Liability and Settling Malpractice Claims

[14] Agreements prospectively limiting a lawyer's liability for malpractice are prohibited because they are likely to undermine competent and diligent representation. Also, many clients are unable to evaluate the desirability of making such an agreement before a dispute has arisen, particularly if they are then represented by the lawyer seeking the agreement. This paragraph does not, however, prohibit a lawyer from entering into an agreement with the client to arbitrate legal malpractice claims, provided such agreements are enforceable and the client is fully informed of the scope and effect of the agreement. Nor does this paragraph limit the ability of lawyers to practice in the form of a limited-liability entity, where permitted by law, provided that each lawyer remains personally liable to the client for his or her own conduct and the firm complies with any conditions required by law, such as provisions requiring client notification or maintenance of adequate liability insurance.

Nor does it prohibit an agreement in accordance with rule 32:1.2 that defines the scope of the representation, although a definition of scope that makes the obligations of representation illusory will amount to an attempt to limit liability.

[15] Agreements settling a claim or a potential claim for malpractice are not prohibited by this rule. Nevertheless, in view of the danger that a lawyer will take unfair advantage of an unrepresented client or former client, the lawyer must first advise such a person in writing of the appropriateness of independent representation in connection with such a settlement. In addition, the lawyer must give the client or former client a reasonable opportunity to find and consult independent counsel.

Acquiring Proprietary Interest in Litigation

[16] Paragraph (i) states the traditional general rule that lawyers are prohibited from acquiring a proprietary interest in litigation. Like paragraph (e), the general rule has its basis in common law champerty and maintenance and is designed to avoid giving the lawyer too great an interest in the representation. In addition, when the lawyer acquires an ownership interest in the subject of the representation, it will be more difficult for a client to discharge the lawyer if the client so desires. The rule is subject to specific exceptions developed in decisional law and continued in these rules. The exception for certain advances of the costs of litigation is set forth in paragraph (e). In addition, paragraph (i) sets forth exceptions for liens authorized by law to secure the lawyer's fees or expenses and contracts for reasonable contingent fees. Iowa law determines which liens are authorized. These may include liens granted by statute and liens acquired by contract with the client. When a lawyer acquires by contract a security interest in property other than that recovered through the lawyer's efforts in the litigation, such an acquisition is a business or financial transaction with a client and is governed by the requirements of paragraph (a). Contracts for contingent fees in civil cases are governed by rule 32:1.5.

Client-Lawyer Sexual Relationships

- [17] The relationship between lawyer and client is a fiduciary one in which the lawyer occupies the highest position of trust and confidence. The relationship is almost always unequal; thus, a sexual relationship between lawyer and client can involve unfair exploitation of the lawyer's fiduciary role, in violation of the lawyer's basic ethical obligation not to use the trust of the client to the client's disadvantage. In addition, such a relationship presents a significant danger that, because of the lawyer's emotional involvement, the lawyer will be unable to represent the client without impairment of the exercise of independent professional judgment. Moreover, a blurred line between the professional and personal relationships may make it difficult to predict to what extent client confidences will be protected by the attorney-client evidentiary privilege, since client confidences are protected by privilege only when they are imparted in the context of the client-lawyer relationship. Because of the significant danger of harm to client interests and because the client's own emotional involvement renders it unlikely that the client could give adequate informed consent, this rule prohibits the lawyer from having sexual relations with a client regardless of whether the relationship is consensual and regardless of the absence of prejudice to the client.
- [18] Sexual relationships that predate the client-lawyer relationship are not prohibited. Issues relating to the exploitation of the fiduciary relationship and client dependency are diminished when the sexual relationship existed prior to the commencement of the client-lawyer relationship. However, before proceeding with the representation in these circumstances, the lawyer should consider whether the lawyer's ability to represent the client will be materially limited by the relationship. See rule 32:1.7(a)(2).
- [19] When the client is an organization, paragraph (j) of this rule prohibits a lawyer for the organization (whether inside counsel or outside counsel) from having a sexual relationship with a constituent of the organization who supervises, directs, or regularly consults with that lawyer concerning the organization's legal matters.

Imputation of Prohibitions

[20] Under paragraph (k), a prohibition on conduct by an individual lawyer in paragraphs (a) through (i) also applies to all lawyers associated in a firm with the personally prohibited lawyer.

For example, one lawyer in a firm may not enter into a business transaction with a client of another member of the firm without complying with paragraph (a), even if the first lawyer is not personally involved in the representation of the client. The prohibitions set forth in paragraphs (j) and (l) are personal and are not applied to associated lawyers.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.9 DUTIES TO FORMER CLIENTS

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client
 - (1) whose interests are materially adverse to that person, and
- (2) about whom the lawyer had acquired information protected by rules 32:1.6 and 32:1.9(c) that is material to the matter, unless the former client gives informed consent, confirmed in writing.
- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
- (1) use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client, or when the information has become generally known; or
- (2) reveal information relating to the representation except as these rules would permit or require with respect to a client.

Comment

- [1] After termination of a client-lawyer relationship, a lawyer has certain continuing duties with respect to confidentiality and conflicts of interest and thus may not represent another client except in conformity with this rule. Under this rule, for example, a lawyer could not properly seek to rescind on behalf of a new client a contract drafted on behalf of the former client. So also a lawyer who has prosecuted an accused person could not properly represent the accused in a subsequent civil action against the government concerning the same transaction. Nor could a lawyer who has represented multiple clients in a matter represent one of the clients against the others in the same or a substantially related matter after a dispute arose among the clients in that matter, unless all affected clients give informed consent. *See* comment [9]. Current and former government lawyers must comply with this rule to the extent required by rule 32:1.11.
- [2] The scope of a "matter" for purposes of this rule depends on the facts of a particular situation or transaction. The lawyer's involvement in a matter can also be a question of degree. When a lawyer has been directly involved in a specific transaction, subsequent representation of other clients with materially adverse interests in that transaction clearly is prohibited. On the other hand, a lawyer who recurrently handled a type of problem for a former client is not precluded from later representing another client in a factually distinct problem of that type even though the subsequent representation involves a position adverse to the prior client. Similar considerations can apply to the reassignment of military lawyers between defense and prosecution functions within the same military jurisdictions. The underlying question is whether the lawyer was so involved in the matter that the subsequent representation can be justly regarded as a changing of sides in the matter in question.
- [3] Matters are "substantially related" for purposes of this rule if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter. For example, a lawyer who has represented a businessperson and learned extensive private financial information about that person may not then represent that person's spouse in seeking a divorce. Similarly, a lawyer who has previously represented a client in securing environmental permits to build a shopping center would be precluded from representing neighbors seeking to oppose rezoning of the property on the basis of environmental considerations; however, the lawyer would not be precluded, on the grounds of substantial relationship, from defending a

tenant of the completed shopping center in resisting eviction for nonpayment of rent. Information that has been disclosed to the public or to other parties adverse to the former client ordinarily will not be disqualifying. Information acquired in a prior representation may have been rendered obsolete by the passage of time, a circumstance that may be relevant in determining whether two representations are substantially related. In the case of an organizational client, general knowledge of the client's policies and practices ordinarily will not preclude a subsequent representation; on the other hand, knowledge of specific facts gained in a prior representation that are relevant to the matter in question ordinarily will preclude such a representation. A former client is not required to reveal the confidential information learned by the lawyer in order to establish a substantial risk that the lawyer has confidential information to use in the subsequent matter. A conclusion about the possession of such information may be based on the nature of the services the lawyer provided the former client and information that would in ordinary practice be learned by a lawyer providing such services

Lawyers Moving Between Firms

- [4] When lawyers have been associated within a firm but then end their association, the question of whether a lawyer should undertake representation is more complicated. There are several competing considerations. First, the client previously represented by the former firm must be reasonably assured that the principle of loyalty to the client is not compromised. Second, the rule should not be so broadly cast as to preclude other persons from having reasonable choice of legal counsel. Third, the rule should not unreasonably hamper lawyers from forming new associations and taking on new clients after having left a previous association. In this connection, it should be recognized that today many lawyers practice in firms, that many lawyers to some degree limit their practice to one field or another, and that many move from one association to another several times in their careers. If the concept of imputation were applied with unqualified rigor, the result would be radical curtailment of the opportunity of lawyers to move from one practice setting to another and of the opportunity of clients to change counsel.
- [5] Paragraph (b) operates to disqualify the lawyer only when the lawyer involved has actual knowledge of information protected by rules 32:1.6 and 32:1.9(c). Thus, if a lawyer while with one firm acquired no knowledge or information relating to a particular client of the firm, and that lawyer later joined another firm, neither the lawyer individually nor the second firm is disqualified from representing another client in the same or a related matter even though the interests of the two clients conflict. See rule 32:1.10(b) for the restrictions on a firm once a lawyer has terminated association with the firm.
- [6] Application of paragraph (b) depends on a situation's particular facts, aided by inferences, deductions, or working presumptions that reasonably may be made about the way in which lawyers work together. A lawyer may have general access to files of all clients of a law firm and may regularly participate in discussions of their affairs; it should be inferred that such a lawyer in fact is privy to all information about all the firm's clients. In contrast, another lawyer may have access to the files of only a limited number of clients and participate in discussions of the affairs of no other clients; in the absence of information to the contrary, it should be inferred that such a lawyer in fact is privy to information about the clients actually served but not those of other clients. In such an inquiry, the burden of proof should rest upon the firm whose disqualification is sought.
- [7] Independent of the question of disqualification of a firm, a lawyer changing professional association has a continuing duty to preserve confidentiality of information about a client formerly represented. *See* rules 32:1.6 and 32:1.9(c).
- [8] Paragraph (c) provides that information acquired by the lawyer in the course of representing a client may not subsequently be used or revealed by the lawyer to the disadvantage of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about that client when later representing another client.
- [9] The provisions of this rule are for the protection of former clients and can be waived if the client gives informed consent, which consent must be confirmed in writing under paragraphs (a) and (b). See rule 32:1.0(e). With regard to the effectiveness of an advance waiver, see comment [22] to rule 32:1.7. With regard to disqualification of a firm with which a lawyer is or was formerly associated, see rule 32:1.10.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.10 IMPUTATION OF CONFLICTS OF INTEREST: GENERAL RULE

- (a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by rule 32:1.7 or 32:1.9, unless
- (1) the prohibition is based on a personal interest of the disqualified lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or
- (2) the prohibition is based upon rule 32:1.9(a) or (b) and arises out of the disqualified lawyer's association with a prior firm, and
- (i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;
- (ii) written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this rule, which shall include a description of the screening procedures employed; a statement of the firm's and of the screened lawyer's compliance with these rules; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures; and
- (iii) certifications of compliance with these rules and with the screening procedures are provided to the former client by the screened lawyer and by a partner of the firm, at reasonable intervals upon the former client's written request and upon termination of the screening procedures.
- (b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:
- (1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and
- (2) any lawyer remaining in the firm has information protected by rules 32:1.6 and 32:1.9(c) that is material to the matter.
- (c) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in rule 32:1.7.
- (d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by rule 32:1.11.

Comment

Definition of "Firm"

[1] For purposes of the Iowa Rules of Professional Conduct, the term "firm" denotes lawyers in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization. *See* rule 32:1.0(c). Whether two or more lawyers constitute a firm within this definition can depend on the specific facts. *See* rule 32:1.0, comments [2] - [4].

Principles of Imputed Disqualification

- [2] The rule of imputed disqualification stated in paragraph (a) gives effect to the principle of loyalty to the client as it applies to lawyers who practice in a law firm. Such situations can be considered from the premise that a firm of lawyers is essentially one lawyer for purposes of the rules governing loyalty to the client, or from the premise that each lawyer is vicariously bound by the obligation of loyalty owed by each lawyer with whom the lawyer is associated. Paragraph (a)(1) operates only among the lawyers currently associated in a firm. When a lawyer moves from one firm to another, the situation is governed by rules 32:1.9(b), 32:1.10(a), and 32:1.10(b).
- [3] The rule in paragraph (a) does not prohibit representation where neither questions of client loyalty nor protection of confidential information are presented. Where one lawyer in a firm could not effectively represent a given client because of strong political beliefs, for example, but that

lawyer will do no work on the case and the personal beliefs of the lawyer will not materially limit the representation by others in the firm, the firm should not be disqualified. On the other hand, if an opposing party in a case were owned by a lawyer in the law firm, and others in the firm would be materially limited in pursuing the matter because of loyalty to that lawyer, the personal disqualification of the lawyer would be imputed to all others in the firm.

- [4] The rule in paragraph (a) also does not prohibit representation by others in the law firm where the person prohibited from involvement in a matter is a nonlawyer, such as a paralegal or legal secretary. Nor does paragraph (a) prohibit representation if the lawyer is prohibited from acting because of events before the person became a lawyer, for example, work that the person did while a law student. Such persons, however, ordinarily must be screened from any personal participation in the matter to avoid communication to others in the firm of confidential information that both the nonlawyers and the firm have a legal duty to protect. *See* rules 32:1.0(k) and 32:5.3.
- [5] Rule 32:1.10(b) operates to permit a law firm, under certain circumstances, to represent a person with interests directly adverse to those of a client represented by a lawyer who formerly was associated with the firm. The rule applies regardless of when the formerly associated lawyer represented the client. However, the law firm may not represent a person with interests adverse to those of a present client of the firm, which would violate rule 32:1.7. Moreover, the firm may not represent the person where the matter is the same or substantially related to that in which the formerly associated lawyer represented the client and any other lawyer currently in the firm has material information protected by rules 32:1.6 and 32:1.9(c).
- [6] Rule 32:1.10(c) removes imputation with the informed consent of the affected client or former client under the conditions stated in rule 32:1.7. The conditions stated in rule 32:1.7 require the lawyer to determine that the representation is not prohibited by rule 32:1.7(b) and that each affected client or former client has given informed consent to the representation, confirmed in writing. In some cases, the risk may be so severe that the conflict may not be cured by client consent. For a discussion of the effectiveness of client waivers of conflicts that might arise in the future, see rule 32:1.7, comment [22]. For a definition of informed consent, see rule 32:1.0(e).
- [7] Rule 32:1.10(a)(2) similarly removes the imputation otherwise required by rule 32:1.10(a), but unlike section (c), it does so without requiring that there be informed consent by the former client. Instead, it requires that the procedures laid out in sections (a)(2)(i)-(iii) be followed. A description of effective screening mechanisms appears in rule 32:1.0(k). Lawyers should be aware, however, that, even where screening mechanisms have been adopted, tribunals may consider additional factors in ruling upon motions to disqualify a lawyer from pending litigation.
- [8] Paragraph (a)(2)(i) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.
- [9] The notice required by paragraph (a)(2)(ii) generally should include a description of the screened lawyer's prior representation and be given as soon as practicable after the need for screening becomes apparent. It also should include a statement by the screened lawyer and the firm that the client's material confidential information has not been disclosed or used in violation of the rules. The notice is intended to enable the former client to evaluate and comment upon the effectiveness of the screening procedures.
- [10] The certifications required by paragraph (a)(2)(iii) give the former client assurance that the client's material confidential information has not been disclosed or used inappropriately, either prior to timely implementation of a screen or thereafter. If compliance cannot be certified, the certificate must describe the failure to comply.
- [11] Where a lawyer has joined a private firm after having represented the government, imputation is governed by rule 32:1.11(b) and (c), not this rule. Under rule 32:1.11(d), where a lawyer represents the government after having served clients in private practice, nongovernmental employment, or in another government agency, former-client conflicts are not imputed to government lawyers associated with the individually disqualified lawyer.
- [12] Where a lawyer is prohibited from engaging in certain transactions under rule 32:1.8, paragraph (k) of that rule, and not this rule, determines whether that prohibition also applies to other lawyers associated in a firm with the personally prohibited lawyer.

 [Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

- (a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:
 - (1) is subject to rule 32:1.9(c); and
- (2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.
- (b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:
- (1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
- (2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.
- (c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person, acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.
- (d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:
 - (1) is subject to rules 32:1.7 and 32:1.9; and
 - (2) shall not:
- (i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or
- (ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for private employment as permitted by rule 32:1.12(b) and subject to the conditions stated in rule 32:1.12(b).
 - (e) As used in this rule, the term "matter" includes:
- (1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties, and
- (2) any other matter covered by the conflict of interest rules of the appropriate government agency.
- (f) Prosecutors for the state or county shall not engage in the defense of an accused in any criminal matter during the time they are engaged in such public responsibilities. However, this paragraph does not apply to a lawyer not regularly employed as a prosecutor for the state or county who serves as a special prosecutor for a specific criminal case, provided that the employment does not create a conflict of interest or the lawyer complies with the requirements of rule 32:1.7(b).

Comment

[1] A lawyer who has served or is currently serving as a public officer or employee is personally subject to the Iowa Rules of Professional Conduct, including the prohibition against concurrent conflicts of interest stated in rule 32:1.7. In addition, such a lawyer may be subject to statutes and government regulations regarding conflict of interest. Such statutes and regulations may circumscribe the extent to which the government agency may give consent under this rule. See rule

32:1.0(e) for the definition of informed consent.

- [2] Paragraphs (a)(1), (a)(2), and (d)(1) restate the obligations of an individual lawyer who has served or is currently serving as an officer or employee of the government toward a former government or private client. Rule 32:1.10 is not applicable to the conflicts of interest addressed by this rule. Rather, paragraph (b) sets forth a special imputation rule for former government lawyers that provides for screening and notice. Because of the special problems raised by imputation within a government agency, paragraph (d) does not impute the conflicts of a lawyer currently serving as an officer or employee of the government to other associated government officers or employees, although ordinarily it will be prudent to screen such lawyers.
- [3] Paragraphs (a)(2) and (d)(2) apply regardless of whether a lawyer is adverse to a former client and are thus designed not only to protect the former client, but also to prevent a lawyer from exploiting public office for the advantage of another client. For example, a lawyer who has pursued a claim on behalf of the government may not pursue the same claim on behalf of a later private client after the lawyer has left government service, except when authorized to do so by the government agency under paragraph (a). Similarly, a lawyer who has pursued a claim on behalf of a private client may not pursue the claim on behalf of the government, except when authorized to do so by paragraph (d). As with paragraphs (a)(1) and (d)(1), rule 32:1.10 is not applicable to the conflicts of interest addressed by these paragraphs.
- [4] This rule represents a balancing of interests. On the one hand, where the successive clients are a government agency and another client, public or private, the risk exists that power or discretion vested in that agency might be used for the special benefit of the other client. A lawyer should not be in a position where benefit to the other client might affect performance of the lawyer's professional functions on behalf of the government. Also, unfair advantage could accrue to the other client by reason of access to confidential government information about the client's adversary obtainable only through the lawyer's government service. On the other hand, the rules governing lawyers presently or formerly employed by a government agency should not be so restrictive as to inhibit transfer of employment to and from the government. The government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. Thus a former government lawyer is disqualified only from particular matters in which the lawyer participated personally and substantially. The provisions for screening and waiver in paragraph (b) are necessary to prevent the disqualification rule from imposing too severe a deterrent against entering public service. The limitation of disqualification in paragraphs (a)(2) and (d)(2) to matters involving a specific party or parties, rather than extending disqualification to all substantive issues on which the lawyer worked, serves a similar function.
- [5] When a lawyer has been employed by one government agency and then moves to a second government agency, it may be appropriate to treat that second agency as another client for purposes of this rule, as when a lawyer is employed by a city and subsequently is employed by a federal agency. However, because the conflict of interest is governed by paragraph (d), the latter agency is not required to screen the lawyer as paragraph (b) requires a law firm to do. The question of whether two government agencies should be regarded as the same or different clients for conflict of interest purposes is beyond the scope of these rules. *See* rule 32:1.13 comment [9].
- [6] Paragraphs (b) and (c) contemplate a screening arrangement. See rule 32:1.0(k) (requirements for screening procedures). These paragraphs do not prohibit a lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly relating the lawyer's compensation to the fee in the matter in which the lawyer is disqualified.
- [7] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.
- [8] Paragraph (c) operates only when the lawyer in question has knowledge of the information, which means actual knowledge; it does not operate with respect to information that merely could be imputed to the lawyer.
- [9] Paragraphs (a) and (d) do not prohibit a lawyer from jointly representing a private party and a government agency when doing so is permitted by rule 32:1.7 and is not otherwise prohibited by law.
- [10] For purposes of paragraph (e) of this rule, a "matter" may continue in another form. In determining whether two particular matters are the same, the lawyer should consider the extent to which the matters involve the same basic facts, the same or related parties, and the time elapsed. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR, OR OTHER THIRD-PARTY NEUTRAL

- (a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator, or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.
- (b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator, or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the law clerk is participating personally and substantially, but only after the law clerk has notified the judge or other adjudicative officer.
- (c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:
- (1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
- (2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.
- (d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Comment

- [1] This rule generally parallels rule 32:1.11. The term "personally and substantially" signifies that a judge who was a member of a multimember court, and thereafter left judicial office to practice law, is not prohibited from representing a client in a matter pending in the court, but in which the former judge did not participate. So also the fact that a former judge exercised administrative responsibility in a court does not prevent the former judge from acting as a lawyer in a matter where the judge had previously exercised remote or incidental administrative responsibility that did not affect the merits. Compare the comment to rule 32:1.11. The term "adjudicative officer" includes such officials as judges pro tempore, referees, special masters, hearing officers, and other parajudicial officers, and also lawyers who serve as part-time judges. Application section III(B) of the Iowa Code of Judicial Conduct provides that a magistrate or other continuing part-time judge "shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto." Although phrased differently from this rule, that rule corresponds in meaning.
- [2] Like former judges, lawyers who have served as arbitrators, mediators, or other third-party neutrals may be asked to represent a client in a matter in which the lawyer participated personally and substantially. This rule forbids such representation unless all of the parties to the proceedings give their informed consent, confirmed in writing. *See* rule 32:1.0(e) and (b). Other law or codes of ethics governing third-party neutrals may impose more stringent standards of personal or imputed disqualification. *See* rule 32:2.4.
- [3] Although lawyers who serve as third-party neutrals do not have information concerning the parties that is protected under rule 32:1.6, they typically owe the parties an obligation of confidentiality under law or codes of ethics governing third-party neutrals. Thus, paragraph (c) provides that conflicts of the personally disqualified lawyer will be imputed to other lawyers in a law firm unless the conditions of this paragraph are met.
- [4] Requirements for screening procedures are stated in rule 32:1.0(k). Paragraph (c)(1) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.
- [5] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

[Court Order April 20, 2005, effective July 1, 2005; April 30, 2010, effective May 3, 2010]

Rule 32:1.13 ORGANIZATION AS CLIENT

- (a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.
- (b) If a lawyer for an organization knows that an officer, employee, or other person associated with the organization is engaged in action, intends to act, or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances to the highest authority that can act on behalf of the organization as determined by applicable law.
 - (c) Except as provided in paragraph (d), if
- (1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and
- (2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization,

then the lawyer may reveal information relating to the representation whether or not rule 32:1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

- (d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee, or other constituent associated with the organization against a claim arising out of an alleged violation of law.
- (e) A lawyer who reasonably believes that the lawyer has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to ensure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.
- (f) In dealing with an organization's directors, officers, employees, members, shareholders, or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.
- (g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders, or other constituents, subject to the provisions of rule 32:1.7. If the organization's consent to the dual representation is required by rule 32:1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

Comment

The Entity as the Client

- [1] An organizational client is a legal entity, but it cannot act except through its officers, directors, employees, shareholders, and other constituents. Officers, directors, employees, and shareholders are the constituents of the corporate organizational client. The duties defined in this comment apply equally to unincorporated associations. "Other constituents" as used in this comment means the positions equivalent to officers, directors, employees, and shareholders held by persons acting for organizational clients that are not corporations.
- [2] When one of the constituents of an organizational client communicates with the organization's lawyer in that person's organizational capacity, the communication is protected by rule 32:1.6. Thus, by way of example, if an organizational client requests its lawyer to investigate allegations of wrongdoing, interviews made in the course of that investigation between the lawyer and the client's employees or other constituents are covered by rule 32:1.6. This does not mean, however, that

constituents of an organizational client are the clients of the lawyer. The lawyer may not disclose to such constituents information relating to the representation except for disclosures explicitly or impliedly authorized by the organizational client in order to carry out the representation or as otherwise permitted by rule 32:1.6.

- [3] When constituents of the organization make decisions for it, the decisions ordinarily must be accepted by the lawyer even if their utility or prudence is doubtful. Decisions concerning policy and operations, including ones entailing serious risk, are not as such in the lawyer's province. Paragraph (b) makes clear, however, that when the lawyer knows that the organization is likely to be substantially injured by action of an officer or other constituent that violates a legal obligation to the organization or is in violation of law that might be imputed to the organization, the lawyer must proceed as is reasonably necessary in the best interest of the organization. As defined in rule 32:1.0(f), knowledge can be inferred from circumstances, and a lawyer cannot ignore the obvious.
- [4] In determining how to proceed under paragraph (b), the lawyer should give due consideration to the seriousness of the violation and its consequences, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters, and any other relevant considerations. Ordinarily, referral to a higher authority would be necessary. In some circumstances, however, it may be appropriate for the lawyer to ask the constituent to reconsider the matter; for example, if the circumstances involve a constituent's innocent misunderstanding of law and subsequent acceptance of the lawyer's advice, the lawyer may reasonably conclude that the best interest of the organization does not require that the matter be referred to higher authority. If a constituent persists in conduct contrary to the lawyer's advice, it will be necessary for the lawyer to take steps to have the matter reviewed by a higher authority in the organization. If the matter is of sufficient seriousness and importance or urgency to the organization, referral to higher authority in the organization may be necessary even if the lawyer has not communicated with the constituent. Any measures taken should, to the extent practicable, minimize the risk of revealing information relating to the representation to persons outside the organization. Even in circumstances where a lawyer is not obligated by rule 32:1.13 to proceed, a lawyer may bring to the attention of an organizational client, including its highest authority, matters that the lawyer reasonably believes to be of sufficient importance to warrant doing so in the best interest of the organization.
- [5] Paragraph (b) also makes clear that when it is reasonably necessary to enable the organization to address the matter in a timely and appropriate manner, the lawyer must refer the matter to higher authority, including, if warranted by the circumstances, the highest authority that can act on behalf of the organization under applicable law. The organization's highest authority to whom a matter may be referred ordinarily will be the board of directors or similar governing body. However, applicable law may prescribe that under certain conditions the highest authority reposes elsewhere, for example, in the independent directors of a corporation.

Relation to Other Rules

- [6] The authority and responsibility provided in this rule are concurrent with the authority and responsibility provided in other rules. In particular, this rule does not limit or expand the lawyer's responsibility under rule 32:1.8, 32:1.16, 32:3.3, or 32:4.1. Paragraph (c) of this rule supplements rule 32:1.6(b) by providing an additional basis upon which the lawyer may reveal information relating to the representation, but does not modify, restrict, or limit the provisions of rule 32:1.6(b)(1) (6). Under paragraph (c) the lawyer may reveal such information only when the organization's highest authority insists upon or fails to address threatened or ongoing action that is clearly a violation of law, and then only to the extent the lawyer reasonably believes necessary to prevent reasonably certain substantial injury to the organization. It is not necessary that the lawyer's services be used in furtherance of the violation, but it is required that the matter be related to the lawyer's representation of the organization. If the lawyer's services are being used by an organization to further a crime or fraud by the organization, rules 32:1.6(b)(2) and 32:1.6(b)(3) may permit the lawyer to disclose confidential information. In such circumstances rule 32:1.2(d) may also be applicable, in which event, withdrawal from the representation under rule 32:1.16(a)(1) may be required.
- [7] Paragraph (d) makes clear that the authority of a lawyer to disclose information relating to a representation in circumstances described in paragraph (c) does not apply with respect to information

relating to a lawyer's engagement by an organization to investigate an alleged violation of law or to defend the organization or an officer, employee, or other person associated with the organization against a claim arising out of an alleged violation of law. This is necessary in order to enable organizational clients to enjoy the full benefits of legal counsel in conducting an investigation or defending against a claim.

[8] A lawyer who reasonably believes that the lawyer has been discharged because of the lawyer's actions taken pursuant to paragraph (b) or (c), or who withdraws in circumstances that require or permit the lawyer to take action under either of these paragraphs, must proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

Government Agency

[9] The duty defined in this rule applies to governmental organizations. Defining precisely the identity of the client and prescribing the resulting obligations of such lawyers may be more difficult in the government context and is a matter beyond the scope of these rules. See Scope [18]. Although in some circumstances the client may be a specific agency, it may also be a branch of government, such as the executive branch, or the government as a whole. For example, if the action or failure to act involves the head of a bureau, either the department of which the bureau is a part or the relevant branch of government may be the client for purposes of this rule. Moreover, in a matter involving the conduct of government officials, a government lawyer may have authority under applicable law to question such conduct more extensively than that of a lawyer for a private organization in similar circumstances. Thus, when the client is a governmental organization, a different balance may be appropriate between maintaining confidentiality and ensuring that the wrongful act is prevented or rectified, for public business is involved. In addition, duties of lawyers employed by the government or lawyers in military service may be defined by statutes and regulation. This rule does not limit that authority. For example, the provisions of Iowa Code sections 232.90 and 232.114 adequately accommodate the potentially conflicting roles of county attorneys in criminal prosecutions and child in need of assistance or termination of parental rights proceedings. See Scope.

Clarifying the Lawyer's Role

- [10] There are times when the organization's interest may be or become adverse to those of one or more of its constituents. In such circumstances the lawyer should advise any constituent, whose interest the lawyer finds adverse to that of the organization, of the conflict or potential conflict of interest, that the lawyer cannot represent such constituent, and that such person may wish to obtain independent representation. Care must be taken to ensure that the individual understands that, when there is such adversity of interest, the lawyer for the organization cannot provide legal representation for that constituent individual, and that discussions between the lawyer for the organization and the individual may not be privileged.
- [11] Whether such a warning should be given by the lawyer for the organization to any constituent individual may turn on the facts of each case.

Dual Representation

[12] Paragraph (g) recognizes that a lawyer for an organization may also represent a principal officer or major shareholder.

Derivative Actions

- [13] Under generally prevailing law, the shareholders or members of a corporation may bring suit to compel the directors to perform their legal obligations in the supervision of the organization. Members of unincorporated associations have essentially the same right. Such an action may be brought nominally by the organization, but usually is, in fact, a legal controversy over management of the organization.
- [14] The question can arise whether counsel for the organization may defend such an action. The proposition that the organization is the lawyer's client does not alone resolve the issue.

Most derivative actions are a normal incident of an organization's affairs, to be defended by the organization's lawyer like any other suit. However, if the claim involves serious charges of wrongdoing by those in control of the organization, a conflict may arise between the lawyer's duty to the organization and the lawyer's relationship with the board. In those circumstances, rule 32:1.7 governs who should represent the directors and the organization.

[Court Order April 20, 2005, effective July 1, 2005; June 13, 2013]

Rule 32:1.14 CLIENT WITH DIMINISHED CAPACITY

- (a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment, or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.
- (b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken, and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator, or guardian.
- (c) Information relating to the representation of a client with diminished capacity is protected by rule 32:1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under rule 32:1.6 to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Comment

- [1] The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. When the client is a minor or suffers from a diminished mental capacity, however, maintaining the ordinary client-lawyer relationship may not be possible in all respects. In particular, a severely incapacitated person may have no power to make legally binding decisions. Nevertheless, a client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody. So also, it is recognized that some persons of advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions.
- [2] The fact that a client suffers a disability does not diminish the lawyer's obligation to treat the client with attention and respect. Even if the person has a legal representative, the lawyer should as far as possible accord the represented person the status of client, particularly in maintaining communication.
- [3] The client may wish to have family members or other persons participate in discussions with the lawyer. When necessary to assist in the representation, the presence of such persons generally does not affect the applicability of the attorney-client evidentiary privilege. Nevertheless, the lawyer must keep the client's interests foremost and, except for protective action authorized under paragraph (b), must look to the client, and not family members, to make decisions on the client's behalf.
- [4] If a legal representative has already been appointed for the client, the lawyer should ordinarily look to the representative for decisions on behalf of the client. In matters involving a minor, whether the lawyer should look to the parents as natural guardians may depend on the type of proceeding or matter in which the lawyer is representing the minor. If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. *See* rule 32:1.2(d).

Taking Protective Action

[5] If a lawyer reasonably believes that a client is at risk of substantial physical, financial, or other harm unless action is taken, and that a normal client-lawyer relationship cannot be maintained as provided in paragraph (a) because the client lacks sufficient capacity to communicate or to make

adequately considered decisions in connection with the representation, then paragraph (b) permits the lawyer to take protective measures deemed necessary. Such measures could include: consulting with family members, using a reconsideration period to permit clarification or improvement of circumstances, using voluntary surrogate decisionmaking tools such as durable powers of attorney, or consulting with support groups, professional services, adult-protective agencies, or other individuals or entities that have the ability to protect the client. In taking any protective action, the lawyer should be guided by such factors as the wishes and values of the client to the extent known, the client's best interests, and the goals of intruding into the client's decisionmaking autonomy to the least extent feasible, maximizing client capacities, and respecting the client's family and social connections.

- [6] In determining the extent of the client's diminished capacity, the lawyer should consider and balance such factors as: the client's ability to articulate reasoning leading to a decision, variability of state of mind, and ability to appreciate consequences of a decision; the substantive fairness of a decision; and the consistency of a decision with the known long-term commitments and values of the client. In appropriate circumstances, the lawyer may seek guidance from an appropriate diagnostician.
- [7] If a legal representative has not been appointed, the lawyer should consider whether appointment of a guardian ad litem, conservator, or guardian is necessary to protect the client's interests. Thus, if a client with diminished capacity has substantial property that should be sold for the client's benefit, effective completion of the transaction may require appointment of a legal representative. In addition, rules of procedure in litigation sometimes provide that minors or persons with diminished capacity must be represented by a guardian or next friend if they do not have a general guardian. In many circumstances, however, appointment of a legal representative may be more expensive or traumatic for the client than circumstances in fact require. Evaluation of such circumstances is a matter entrusted to the professional judgment of the lawyer. In considering alternatives, however, the lawyer should be aware of any law that requires the lawyer to advocate the least restrictive action on behalf of the client.

Disclosure of the Client's Condition

[8] Disclosure of the client's diminished capacity could adversely affect the client's interests. For example, raising the question of diminished capacity could, in some circumstances, lead to proceedings for involuntary commitment. Information relating to the representation is protected by rule 32:1.6. Therefore, unless authorized to do so, the lawyer may not disclose such information. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized to make the necessary disclosures, even when the client directs the lawyer to the contrary. Nevertheless, given the risks of disclosure, paragraph (c) limits what the lawyer may disclose in consulting with other individuals or entities or seeking the appointment of a legal representative. At the very least, the lawyer should determine whether it is likely that the person or entity consulted with will act adversely to the client's interests before discussing matters related to the client. The lawyer's position in such cases is an unavoidably difficult one.

Emergency Legal Assistance

- [9] In an emergency where the health, safety, or a financial interest of a person with seriously diminished capacity is threatened with imminent and irreparable harm, a lawyer may take legal action on behalf of such a person even though the person is unable to establish a client-lawyer relationship or to make or express considered judgments about the matter, when the person or another acting in good faith on that person's behalf has consulted with the lawyer. Even in such an emergency, however, the lawyer should not act unless the lawyer reasonably believes that the person has no other lawyer, agent, or other representative available. The lawyer should take legal action on behalf of the person only to the extent reasonably necessary to maintain the status quo or otherwise avoid imminent and irreparable harm. A lawyer who undertakes to represent a person in such an exigent situation has the same duties under these rules as the lawyer would with respect to a client.
- [10] A lawyer who acts on behalf of a person with seriously diminished capacity in an emergency should keep the confidences of the person as if dealing with a client, disclosing them only to the extent necessary to accomplish the intended protective action. The lawyer should disclose to any tribunal involved and to any other counsel involved the nature of his or her relationship with the

person. The lawyer should take steps to regularize the relationship or implement other protective solutions as soon as possible. Normally, a lawyer would not seek compensation for such emergency actions taken.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.15 SAFEKEEPING PROPERTY

- (a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation.
- (b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.
- (c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.
- (d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
- (e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.
 - (f) All client trust accounts shall be governed by chapter 45 of the Iowa Court Rules.

Comment

- [1] A lawyer should hold property of others with the care required of a professional fiduciary. Securities should be kept in a safe deposit box, except when some other form of safekeeping is warranted by special circumstances. All property that is the property of clients or third persons, including prospective clients, must be kept separate from the lawyer's business and personal property and, if monies, in one or more trust accounts. Separate trust accounts may be warranted when administering estate monies or acting in similar fiduciary capacities. A lawyer should maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any recordkeeping rules established by law or court order. *See*, Iowa Ct. R. ch 45.
- [2] While normally it is impermissible to commingle the lawyer's own funds with client funds, paragraph (b) provides that it is permissible when necessary to pay bank service charges on that account. Accurate records must be kept regarding which part of the funds are the lawyer's.
- [3] Lawyers often receive funds from which the lawyer's fee will be paid. The lawyer is not required to remit to the client funds that the lawyer reasonably believes represent fees owed. However, a lawyer may not hold funds to coerce a client into accepting the lawyer's contention. The disputed portion of the funds must be kept in a trust account and the lawyer should suggest means for prompt resolution of the dispute, such as arbitration. The undisputed portion of the funds shall be promptly distributed.
- [4] Paragraph (e) also recognizes that third parties may have lawful claims against specific funds or other property in a lawyer's custody, such as a client's creditor who has a lien on funds recovered in a personal injury action. A lawyer may have a duty under applicable law to protect such third-party claims against wrongful interference by the client. In such cases, when the third-party claim is not frivolous under applicable law, the lawyer must refuse to surrender the property to the client until the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party; but when there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.
- [5] The obligations of a lawyer under this rule are independent of those arising from activity other than rendering legal services. For example, a lawyer who serves only as an escrow agent is governed

by the applicable law relating to fiduciaries even though the lawyer does not render legal services in the transaction and is not governed by this rule.

[6] A lawyers' fund for client protection provides a means through the collective efforts of the bar to reimburse persons who have lost money or property as a result of dishonest conduct of a lawyer. Such a fund has been established in Iowa, and lawyer participation is mandatory to the extent required by chapter 39 of the Iowa Court Rules.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.16 DECLINING OR TERMINATING REPRESENTATION

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
- (1) the representation will result in violation of the Iowa Rules of Professional Conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
 - (3) the lawyer is discharged.
 - (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
 - (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
 - (7) other good cause for withdrawal exists.
- (c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.
- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by law.

Comment

[1] A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest, and to completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. *See* rules 32:1.2(c) and 32:6.5. *See also* rule 32:1.3, comment [4].

Mandatory Withdrawal

- [2] A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Iowa Rules of Professional Conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation.
- [3] When a lawyer has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. *See also* rule 32:6.2. Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending litigation. Difficulty may be encountered if withdrawal is based on the client's demand that the lawyer engage

in unprofessional conduct. The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient. Lawyers should be mindful of their obligations to both clients and the court under rules 32:1.6 and 32:3.3.

Discharge

- [4] A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.
- [5] Whether a client can discharge appointed counsel may depend on applicable law. A client seeking to do so should be given a full explanation of the consequences. These consequences may include a decision by the appointing authority that appointment of successor counsel is unjustified, thus requiring self-representation by the client.
- [6] If the client has severely diminished capacity, the client may lack the legal capacity to discharge the lawyer, and in any event the discharge may be seriously adverse to the client's interests. The lawyer should make special effort to help the client consider the consequences and may take reasonably necessary protective action as provided in rule 32:1.14.

Optional Withdrawal

- [7] A lawyer may withdraw from representation in some circumstances. The lawyer has the option to withdraw if the withdrawal can be accomplished without material adverse effect on the client's interests. Withdrawal is also justified if the client persists in a course of action that the lawyer reasonably believes is criminal or fraudulent, for a lawyer is not required to be associated with such conduct even if the lawyer does not further it. Withdrawal is also permitted if the lawyer's services were misused in the past even if that would materially prejudice the client. The lawyer may also withdraw where the client insists on taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement.
- [8] A lawyer may withdraw if the client refuses to abide by the terms of an agreement relating to the representation, such as an agreement concerning fees or court costs or an agreement limiting the objectives of the representation.

Assisting the Client upon Withdrawal

[9] Even if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client. The lawyer may retain papers as security for a fee to the extent permitted by Iowa Code section 602.10116 or other law. *See* rule 32:1.15. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:1.17 SALE OF LAW PRACTICE

A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

- (a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in the geographic area in which the practice has been conducted;
- (b) The entire practice, or the entire area of practice, is sold to one or more lawyers or law firms;
 - (c) The seller gives written notice to each of the seller's clients regarding:
 - (1) the proposed sale;
 - (2) the client's right to retain other counsel or to take possession of the file; and
- (3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within 90 days of receipt of the notice.

If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The fees charged clients shall not be increased by reason of the sale.

Comment

[1] The practice of law is a profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this rule, when a lawyer or an entire firm ceases to practice, or ceases to practice in an area of law, and other lawyers or firms take over the representation, the selling lawyer or firm may obtain compensation for the reasonable value of the practice as may withdrawing partners of law firms. *See* rules 32:5.4 and 32:5.6.

Termination of Practice by the Seller

- [2] The requirement that all of the private practice, or all of an area of practice, be sold is satisfied if the seller in good faith makes the entire practice, or the area of practice, available for sale to the purchasers. The fact that a number of the seller's clients decide not to be represented by the purchasers but take their matters elsewhere, therefore, does not result in a violation. Return to private practice as a result of an unanticipated change in circumstances does not necessarily result in a violation. For example, a lawyer who has sold the practice to accept an appointment to judicial office does not violate the requirement that the sale be attendant to cessation of practice if the lawyer later resumes private practice upon being defeated in a retention election for the office or resigns from a judiciary position.
- [3] The requirement that the seller cease to engage in the private practice of law does not prohibit employment as a lawyer on the staff of a public agency or a legal services entity that provides legal services to the poor, or as in-house counsel to a business.
- [4] This rule contemplates that a lawyer who sells an entire practice may continue in the practice of law in Iowa provided that the lawyer practices in another geographic area of the state.
- [5] This rule also permits a lawyer or law firm to sell an area of practice. If an area of practice is sold and the lawyer remains in the active practice of law, the lawyer must cease accepting any matters in the area of practice that has been sold, either as counsel or co-counsel or by assuming joint responsibility for a matter in connection with the division of a fee with another lawyer as would otherwise be permitted by rule 32:1.5(e). For example, a lawyer with a substantial number of estate planning matters and a substantial number of probate administration cases may sell the estate planning portion of the practice but remain in the practice of law by concentrating on probate administration; however, that practitioner may not thereafter accept any estate planning matters. Although a lawyer who leaves a geographical area typically would sell the entire practice, this rule permits the lawyer to limit the sale to one or more areas of the practice, thereby preserving the lawyer's right to continue practice in the areas of the practice that were not sold.

Sale of Entire Practice or Entire Area of Practice

[6] The rule requires that the seller's entire practice, or an entire area of practice, be sold. The prohibition against sale of less than an entire practice area protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee-generating matters. The purchasers are required to undertake all client matters in the practice or practice area, subject to client consent. This requirement is satisfied, however, even if a purchaser is unable to undertake a particular client matter because of a conflict of interest.

Client Confidences, Consent, and Notice

[7] Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of rule 32:1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms, with respect to which client consent is not required. See rule 32:1.6(b)(7). Providing the purchaser access to detailed information relating to the representation, such as the client's file, however, requires client consent. The rule provides that before such information can be disclosed by the seller to the purchaser the client must be given

actual written notice of the contemplated sale, including the identity of the purchaser, and must be told that the decision to consent or make other arrangements must be made within 90 days. If nothing is heard from the client within that time, consent to the sale is presumed.

- [8] A lawyer or law firm ceasing to practice cannot be required to remain in practice because some clients cannot be given actual notice of the proposed purchase. Since these clients cannot themselves consent to the purchase or direct any other disposition of their files, the rule requires an order from a court having jurisdiction authorizing their transfer or other disposition. The court can be expected to determine whether reasonable efforts to locate the client have been exhausted, and whether the absent client's legitimate interests will be served by authorizing the transfer of the file so that the purchaser may continue the representation. Preservation of client confidences requires that the petition for a court order be considered in camera.
- [9] All elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice or area of practice.

Fee Arrangements Between Client and Purchaser

[10] The sale may not be financed by increases in fees charged the clients of the practice. Existing arrangements between the seller and the client as to fees and the scope of the work must be honored by the purchaser.

Other Applicable Ethical Standards

- [11] Lawyers participating in the sale of a law practice or a practice area are subject to the ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the seller's obligation to exercise competence in identifying a purchaser qualified to assume the practice and the purchaser's obligation to undertake the representation competently (see rule 32:1.1); the obligation to avoid disqualifying conflicts, and to secure the client's informed consent for those conflicts that can be agreed to (see rule 32:1.7 regarding conflicts and rule 32:1.0(e) for the definition of informed consent); and the obligation to protect information relating to the representation (see rules 32:1.6 and 32:1.9).
- [12] If approval of the substitution of the purchasing lawyer for the selling lawyer is required by the rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale. *See* rule 32:1.16.

Applicability of the Rule

- [13] This rule applies to the sale of a law practice of a deceased, disabled, or disappeared lawyer. Thus, the seller may be represented by a nonlawyer representative not subject to these rules. Since, however, no lawyer may participate in a sale of a law practice that does not conform to the requirements of this rule, the representatives of the seller as well as the purchasing lawyer can be expected to see to it that they are met.
- [14] Admission to or retirement from a law partnership or professional association, retirement plans and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this rule.
- [15] This rule does not apply to the transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice or an area of practice.

 [Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:1.18 DUTIES TO PROSPECTIVE CLIENT

- (a) A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.
- (b) Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information, except as rule 32:1.9 would permit with respect to information of a former client.
- (c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to

that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

- (d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:
- (1) both the affected client and the prospective client have given informed consent, confirmed in writing, or;
- (2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and
- (i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
 - (ii) written notice is promptly given to the prospective client.

Comment

- [1] Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's consultations with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.
- [2] A person becomes a prospective client by consulting with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter. Whether communications, including written, oral, or electronic communications, constitute a consultation depends on the circumstances. For example, a consultation is likely to have occurred if a lawyer, either in person or through the lawyer's advertising in any medium, specifically requests or invites the submission of information about a potential representation without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations, and a person provides information in response. *See* comment [4]. In contrast, a consultation does not occur if a person provides information to a lawyer in response to advertising that merely describes the lawyer's education, experience, areas of practice, and contact information, or provides legal information of general interest. Such a person communicates information unilaterally to a lawyer, without any reasonable expectation that the lawyer is willing to discuss the possibility of forming a client-lawyer relationship, and is thus not a "prospective client." Moreover, a person who communicates with a lawyer for the purpose of disqualifying the lawyer is not a "prospective client."
- [3] It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such information to determine whether there is a conflict of interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing that information, except as permitted by rule 32:1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.
- [4] In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial consultation to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for nonrepresentation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under rule 32:1.7, then consent from all affected present or former clients must be obtained before accepting the representation.
- [5] A lawyer may condition a consultation with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See rule 32:1.0(e) for the definition of informed consent. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.
- [6] Even in the absence of an agreement, under paragraph (c), the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a

substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

- [7] Under paragraph (c), the prohibition in this rule is imputed to other lawyers as provided in rule 32:1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent, confirmed in writing, of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See rule 32:1.0(k) (requirements for screening procedures). Paragraph (d)(2)(i) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.
- [8] Notice, including a general description of the subject matter about which the lawyer was consulted, and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.
- [9] For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see rule 32:1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see rule 32:1.15.

[Court Order April 20, 2005, effective July 1, 2005; August 29, 2012, effective January 1, 2013; October 15, 2015]

COUNSELOR

Rule 32:2.1 ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors, that may be relevant to the client's situation.

Comment

Scope of Advice

- [1] A client is entitled to straightforward advice expressing the lawyer's honest assessment. Legal advice often involves unpleasant facts and alternatives that a client may be disinclined to confront. In presenting advice, a lawyer endeavors to sustain the client's morale and may put advice in as acceptable a form as honesty permits. However, a lawyer should not be deterred from giving candid advice by the prospect that the advice will be unpalatable to the client.
- [2] Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied. In the final analysis, the lawyer should always remember that the decision whether to pursue or forgo legally available objectives or methods because of nonlegal factors is ultimately for the client and not for the lawyer.
- [3] A client may expressly or impliedly ask the lawyer for purely technical advice. When such a request is made by a client experienced in legal matters, the lawyer may accept it at face value. When such a request is made by a client inexperienced in legal matters, however, the lawyer's responsibility as advisor may include indicating that more may be involved than strictly legal considerations.
- [4] Matters that go beyond strictly legal questions may also be in the domain of another profession. Family matters can involve problems within the professional competence of psychiatry, clinical psychology, or social work; business matters can involve problems within the competence of the accounting profession or of financial specialists. Where consultation with a professional in another field is itself something a competent lawyer would recommend, the lawyer should make such a recommendation. At the same time, a lawyer's advice at its best often consists of recommending a course of action in the face of conflicting recommendations of experts.

Offering Advice

[5] In general, a lawyer is not expected to give advice until asked by the client. However, when a lawyer knows that a client proposes a course of action that is likely to result in substantial adverse legal consequences to the client, the lawyer's duty to the client under rule 32:1.4 may require that the lawyer offer advice if the client's course of action is related to the representation. Similarly, when a matter is likely to involve litigation, it may be necessary under rule 32:1.4 to inform the client of forms of dispute resolution that might constitute reasonable alternatives to litigation. A lawyer ordinarily has no duty to initiate investigation of a client's affairs or to give advice that the client has indicated is unwanted, but a lawyer may initiate advice to a client when doing so appears to be in the client's interest.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:2.2 (RESERVED)

Rule 32:2.3 EVALUATION FOR USE BY THIRD PERSONS

- (a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.
- (b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.
- (c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by rule 32:1.6.

Comment

Definition

- [1] An evaluation may be performed at the client's direction or when impliedly authorized in order to carry out the representation. See rule 32:1.2. Such an evaluation may be for the primary purpose of establishing information for the benefit of third parties; for example, an opinion concerning the title of property rendered at the behest of a vendor for the information of a prospective purchaser, or at the behest of a borrower for the information of a prospective lender. In some situations, the evaluation may be required by a government agency; for example, an opinion concerning the legality of the securities registered for sale under the securities laws. In other instances, the evaluation may be required by a third person, such as a purchaser of a business.
- [2] A legal evaluation should be distinguished from an investigation of a person with whom the lawyer does not have a client-lawyer relationship. For example, a lawyer retained by a purchaser to analyze a vendor's title to property does not have a client-lawyer relationship with the vendor. So also, an investigation into a person's affairs by a government lawyer, or by special counsel employed by the government, is not an evaluation as that term is used in this rule. The question is whether the lawyer is retained by the person whose affairs are being examined. When the lawyer is retained by that person, the general rules concerning loyalty to client and preservation of confidences apply, which is not the case if the lawyer is retained by someone else. For this reason, it is essential to identify the person by whom the lawyer is retained. This should be made clear not only to the person under examination, but also to others to whom the results are to be made available.

Duties Owed to Third Person and Client

[3] When the evaluation is intended for the information or use of a third person, a legal duty to that person may or may not arise. That legal question is beyond the scope of this rule. However, since such an evaluation involves a departure from the normal client-lawyer relationship, careful analysis of the situation is required. The lawyer must be satisfied as a matter of professional judgment that making the evaluation is compatible with other functions undertaken in behalf of the client. For example, if the lawyer is acting as advocate in defending the client against charges of fraud, it would normally be incompatible with that responsibility for the lawyer to perform an evaluation for others

concerning the same or a related transaction. Assuming no such impediment is apparent, however, the lawyer should advise the client of the implications of the evaluation, particularly the lawyer's responsibilities to third persons and the duty to disseminate the findings.

Access to and Disclosure of Information

[4] The quality of an evaluation depends on the freedom and extent of the investigation upon which it is based. Ordinarily a lawyer should have whatever latitude of investigation seems necessary as a matter of professional judgment. Under some circumstances, however, the terms of the evaluation may be limited. For example, certain issues or sources may be categorically excluded, or the scope of search may be limited by time constraints or the noncooperation of persons having relevant information. Any such limitations that are material to the evaluation should be described in the report. If after a lawyer has commenced an evaluation, the client refuses to comply with the terms upon which it was understood the evaluation was to have been made, the lawyer's obligations are determined by law, having reference to the terms of the client's agreement and the surrounding circumstances. In no circumstances is the lawyer permitted to knowingly make a false statement of material fact or law in providing an evaluation under this rule. *See* rule 32:4.1.

Obtaining Client's Informed Consent

[5] Information relating to an evaluation is protected by rule 32:1.6. In many situations, providing an evaluation to a third party poses no significant risk to the client; thus, the lawyer may be impliedly authorized to disclose information to carry out the representation. See rule 32:1.6(a). Where, however, it is reasonably likely that providing the evaluation will affect the client's interests materially and adversely, the lawyer must first obtain the client's consent after the client has been adequately informed concerning the important possible effects on the client's interests. See rules 32:1.6(a) and 32:1.0(e).

Financial Auditor's Requests for Information

[6] When a question concerning the legal situation of a client arises at the instance of the client's financial auditor and the question is referred to the lawyer, the lawyer's response may be made in accordance with procedures recognized in the legal profession. Such a procedure is set forth in the American Bar Association Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information, adopted in 1975.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:2.4 LAWYER SERVING AS THIRD-PARTY NEUTRAL

- (a) A lawyer serves as a third-party neutral when the lawyer assists two or more persons who are not clients of the lawyer to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator, or in such other capacity as will enable the lawyer to assist the parties to resolve the matter.
- (b) A lawyer serving as a third-party neutral shall inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer's role in the matter, the lawyer shall explain the difference between the lawyer's role as a third-party neutral and a lawyer's role as one who represents a client.

Comment

[1] Alternative dispute resolution has become a substantial part of the civil justice system. Aside from representing clients in dispute-resolution processes, lawyers often serve as third-party neutrals. A third-party neutral is a person, such as a mediator, arbitrator, conciliator, or evaluator, who assists the parties, represented or unrepresented, in the resolution of a dispute or in the arrangement of a transaction. Whether a third-party neutral serves primarily as a facilitator, evaluator, or decision maker depends on the particular process that is either selected by the parties or mandated by a court.

- [2] The role of a third-party neutral is not unique to lawyers, although, in some court-connected contexts, only lawyers are allowed to serve in this role or to handle certain types of cases. In performing this role, the lawyer may be subject to court rules or other laws that apply either to third-party neutrals generally or to lawyers serving as third-party neutrals. Lawyer-neutrals may also be subject to various codes of ethics, such as the Code of Ethics for Arbitration in Commercial Disputes prepared by a joint committee of the American Bar Association and the American Arbitration Association or the Model Standards of Conduct for Mediators jointly prepared by the American Bar Association, the American Arbitration Association, and the Society of Professionals in Dispute Resolution. In 1987, the supreme court adopted the Rules Governing Standards of Practice for Lawyer Mediators in Family Disputes, chapter 11 of the Iowa Court Rules. Lawyers engaged in family law mediation should carefully review these rules because they address matters of special concern and state different and more restrictive rules on conflicts of interest.
- [3] Unlike nonlawyers who serve as third-party neutrals, lawyers serving in this role may experience unique problems as a result of differences between the role of a third-party neutral and a lawyer's service as a client representative. The potential for confusion is significant when the parties are unrepresented in the process. Thus, paragraph (b) requires a lawyer-neutral to inform unrepresented parties that the lawyer is not representing them. For some parties, particularly parties who frequently use dispute-resolution processes, this information will be sufficient. For others, particularly those who are using the process for the first time, more information will be required. Where appropriate, the lawyer should inform unrepresented parties of the important differences between the lawyer's role as third-party neutral and a lawyer's role as a client representative, including the inapplicability of the attorney-client evidentiary privilege. The extent of disclosure required under this paragraph will depend on the particular parties involved and the subject matter of the proceeding, as well as the particular features of the dispute-resolution process selected.
- [4] A lawyer who serves as a third-party neutral subsequently may be asked to serve as a lawyer representing a client in the same matter. The conflicts of interest that arise for both the individual lawyer and the lawyer's law firm are addressed in rule 32:1.12.
- [5] Lawyers who represent clients in alternative dispute-resolution processes are governed by the Iowa Rules of Professional Conduct. When the dispute-resolution process takes place before a tribunal, as in binding arbitration (*See* rule 32:1.0(m)), the lawyer's duty of candor is governed by rule 32:3.3. Otherwise, the lawyer's duty of candor toward both the third-party neutral and other parties is governed by rule 32:4.1.

[Court Order April 20, 2005, effective July 1, 2005]

ADVOCATE

Rule 32:3.1 MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Comment

- [1] The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.
- [2] The filing of an action, defense, or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however,

if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification, or reversal of existing law.

- [3] The lawyer's obligations under this rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this rule.
- [4] When an applicable rule or order prohibits an appellate attorney from withdrawing on the ground that the appeal is frivolous, the lawyer is permitted to advocate grounds on appeal that the lawyer believes are ultimately without merit. The lawyer must, of course, comply with the remaining rules of this chapter, including rule 32:3.3.

[Court Order April 20, 2005, effective July 1, 2005; May 21, 2012]

Rule 32:3.2 EXPEDITING LITIGATION

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Comment

[1] Dilatory practices bring the administration of justice into disrepute. Although there will be occasions when a lawyer may properly seek a postponement for personal reasons, it is not proper for a lawyer to routinely fail to expedite litigation solely for the convenience of the advocates. Nor will a failure to expedite be reasonable if done for the purpose of frustrating an opposing party's attempt to obtain rightful redress or repose. It is not a justification that similar conduct is often tolerated by the bench and bar. The question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay. Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.3 CANDOR TOWARD THE TRIBUNAL

- (a) A lawyer shall not knowingly:
- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
- (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by rule 32:1.6.
- (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Comment

[1] This rule governs the conduct of a lawyer who is representing a client in the proceedings of a tribunal. See rule 32:1.0(m) for the definition of "tribunal." It also applies when the lawyer is representing a client in an ancillary proceeding conducted pursuant to the tribunal's adjudicative

authority, such as a deposition. Thus, for example, paragraph (a)(3) requires a lawyer to take reasonable remedial measures if the lawyer comes to know that a client who is testifying in a deposition has offered evidence that is false.

[2] This rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal. Consequently, although a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.

Representations by a Lawyer

[3] An advocate is responsible for pleadings and other documents prepared for litigation, but is usually not required to have personal knowledge of matters asserted therein, for litigation documents ordinarily present assertions by the client, or by someone on the client's behalf, and not assertions by the lawyer. *Compare* rule 32:3.1. However, an assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true on the basis of a reasonably diligent inquiry. There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation. The obligation prescribed in rule 32:1.2(d) not to counsel a client to commit or assist the client in committing a fraud applies in litigation. Regarding compliance with rule 32:1.2(d), see the comment to that rule. See also the comment to rule 32:8.4(b).

Legal Argument

[4] Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in paragraph (a)(2), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction that has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.

Offering Evidence

- [5] Paragraph (a)(3) requires that the lawyer refuse to offer evidence that the lawyer knows to be false, regardless of the client's wishes. This duty is premised on the lawyer's obligation as an officer of the court to prevent the trier of fact from being misled by false evidence. A lawyer does not violate this rule if the lawyer offers the evidence for the purpose of establishing its falsity.
- [6] If a lawyer knows that the client intends to testify falsely or wants the lawyer to introduce false evidence, the lawyer should seek to persuade the client that the evidence should not be offered. If the persuasion is ineffective and the lawyer continues to represent the client, the lawyer must refuse to offer the false evidence. If only a portion of a witness's testimony will be false, the lawyer may call the witness to testify but may not elicit or otherwise permit the witness to present the testimony that the lawyer knows is false.
- [7] The duties stated in paragraphs (a) and (b) apply to all lawyers, including defense counsel in criminal cases. An advocate's obligation under the Iowa Rules of Professional Conduct is subordinate to a court's directive requiring counsel to present the accused as a witness or to allow the accused to give a narrative statement if the accused so desires. *See also* comment [9].
- [8] The prohibition against offering false evidence only applies if the lawyer knows that the evidence is false. A lawyer's reasonable belief that evidence is false does not preclude its presentation to the trier of fact. A lawyer's knowledge that evidence is false, however, can be inferred from the circumstances. *See* rule 32:1.0(f). Thus, although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood.
- [9] Although paragraph (a)(3) only prohibits a lawyer from offering evidence the lawyer knows to be false, it permits the lawyer to refuse to offer testimony or other proof that the lawyer reasonably

believes is false. Offering such proof may reflect adversely on the lawyer's ability to discriminate in the quality of evidence and thus impair the lawyer's effectiveness as an advocate. Because of the special protections historically provided criminal defendants, however, this rule does not permit a lawyer to refuse to offer the testimony of such a client where the lawyer reasonably believes but does not know that the testimony will be false. Unless the lawyer knows the testimony will be false, the lawyer must honor the client's decision to testify. *See also* comment [7].

Remedial Measures

- [10] Having offered material evidence in the belief that it was true, a lawyer may subsequently come to know that the evidence is false. Or, a lawyer may be surprised when the lawyer's client, or another witness called by the lawyer, offers testimony the lawyer knows to be false, either during the lawyer's direct examination or in response to cross-examination by the opposing lawyer. In such situations or if the lawyer knows of the falsity of testimony elicited from the client during a deposition, the lawyer must take reasonable remedial measures. In such situations, the advocate's proper course is to remonstrate with the client confidentially, advise the client of the lawyer's duty of candor to the tribunal, and seek the client's cooperation with respect to the withdrawal or correction of the false statements or evidence. If that fails, the advocate must take further remedial action. If withdrawal from the representation is not permitted or will not undo the effect of the false evidence, the advocate must make such disclosure to the tribunal as is reasonably necessary to remedy the situation, even if doing so requires the lawyer to reveal information that otherwise would be protected by rule 32:1.6. It is for the tribunal then to determine what should be done—making a statement about the matter to the trier of fact, ordering a mistrial, or perhaps nothing.
- [11] The disclosure of a client's false testimony can result in grave consequences to the client, including not only a sense of betrayal, but also loss of the case, and perhaps a prosecution for perjury. But the alternative is that the lawyer cooperate in deceiving the court, thereby subverting the truth-finding process which the adversary system is designed to implement. See rule 32:1.2(d). Furthermore, unless it is clearly understood that the lawyer will act upon the duty to disclose the existence of false evidence, the client can simply reject the lawyer's advice to reveal the false evidence and insist that the lawyer keep silent. Thus the client could in effect coerce the lawyer into being a party to fraud on the court.

Preserving Integrity of Adjudicative Process

[12] Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudicative process, such as bribing, intimidating, or otherwise unlawfully communicating with a witness, juror, court official, or other participant in the proceeding, unlawfully destroying or concealing documents or other evidence, or failing to disclose information to the tribunal when required by law to do so. Thus, paragraph (b) requires a lawyer to take reasonable remedial measures, including disclosure if necessary, whenever the lawyer knows that a person, including the lawyer's client, intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding.

Duration of Obligation

[13] A proceeding has concluded within the meaning of this rule when it is beyond the power of a tribunal to correct, modify, reverse, or vacate a final judgment, or to grant a new trial.

Ex Parte Proceedings

[14] Ordinarily, an advocate has the limited responsibility of presenting one side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party. However, in any ex parte proceeding, such as an application for a temporary restraining order, there is no balance of presentation by opposing advocates. The object of an ex parte proceeding is nevertheless to yield a substantially just result. The judge has an affirmative responsibility to accord the absent party just consideration. The lawyer for the represented party has the correlative duty to make disclosures of material facts known to the lawyer and that the lawyer

Ch 32, p.55

reasonably believes are necessary to an informed decision.

Withdrawal

[15] Normally, a lawyer's compliance with the duty of candor imposed by this rule does not require that the lawyer withdraw from the representation of a client whose interests will be or have been adversely affected by the lawyer's disclosure. The lawyer may, however, be required by rule 32:1.16(a) to seek permission of the tribunal to withdraw if the lawyer's compliance with this rule's duty of candor results in such an extreme deterioration of the client-lawyer relationship that the lawyer can no longer competently represent the client. Also see rule 32:1.16(b) for the circumstances in which a lawyer will be permitted to seek a tribunal's permission to withdraw. In connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating to the representation only to the extent reasonably necessary to comply with this rule or as otherwise permitted by rule 32:1.6.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

- (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- (d) in pretrial procedure, make a frivolous discovery request or fail to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party;
- (e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused; or
- (f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:
 - (1) the person is a relative or an employee or other agent of a client; and
- (2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

Comment

- [1] The procedure of the adversary system contemplates that the evidence in a case is to be marshaled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedure, and the like.
- [2] Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed, or destroyed. The law may make it an offense to destroy material for the purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen. Falsifying evidence is also generally a criminal offense. Paragraph (a) applies to evidentiary material generally, including computerized information. The law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter or destroy material characteristics of the evidence. In such a case, the law may require the lawyer to turn the evidence over to the police or other prosecuting authority, depending on the circumstances.
- [3] With regard to paragraph (b), it is not improper to pay a witness's expenses, including loss of time in attending or testifying, or to compensate an expert witness on terms permitted by law. It is

improper to pay an occurrence witness any fee other than as authorized by law for testifying and it is improper to pay an expert witness a contingent fee.

[4] Paragraph (f) permits a lawyer to advise employees of a client to refrain from giving information to another party, for the employees may identify their interests with those of the client. *See also* rule 32:4.2.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.5 IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror, or other official by means prohibited by law:
- (b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;
 - (c) communicate with a juror or prospective juror after discharge of the jury if:
 - (1) the communication is prohibited by law or court order;
 - (2) the juror has made known to the lawyer a desire not to communicate; or
 - (3) the communication involves misrepresentation, coercion, duress, or harassment; or
 - (d) engage in conduct intended to disrupt a tribunal.

Comment

- [1] Many forms of improper influence upon a tribunal are proscribed by criminal law. Others are specified in the Iowa Code of Judicial Conduct, with which an advocate should be familiar. A lawyer is required to avoid contributing to a violation of such provisions.
- [2] During a proceeding a lawyer may not communicate ex parte with persons serving in an official capacity in the proceeding, such as judges, masters, or jurors, unless authorized to do so by law or court order.
- [3] A lawyer may on occasion want to communicate with a juror or prospective juror after the jury has been discharged. The lawyer may do so unless the communication is prohibited by law or a court order but must respect the desire of the juror not to talk with the lawyer. The lawyer may not engage in improper conduct during the communication.
- [4] The advocate's function is to present evidence and argument so that the cause may be decided according to law. Refraining from abusive or obstreperous conduct is a corollary of the advocate's right to speak on behalf of litigants. A lawyer may stand firm against abuse by a judge but should avoid reciprocation; the judge's default is no justification for similar dereliction by an advocate. An advocate can present the cause, protect the record for subsequent review, and preserve professional integrity by patient firmness no less effectively than by belligerence or theatrics.
- [5] The duty to refrain from disruptive conduct applies to any proceeding of a tribunal, including a deposition. *See* rule 32:1.0(m).

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.6 TRIAL PUBLICITY

- (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
 - (b) Notwithstanding paragraph (a), a lawyer may state:
- (1) the claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;
 - (2) information contained in a public record;
 - (3) that an investigation of a matter is in progress;
 - (4) the scheduling or result of any step in litigation;
 - (5) a request for assistance in obtaining evidence and information necessary thereto;
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

- (7) in a criminal case, in addition to subparagraphs (1) through (6):
- (i) the identity, residence, occupation, and family status of the accused;
- (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
 - (iii) the fact, time, and place of arrest; and
- (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.
- (c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.
- (d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).
- (e) Any communication made under paragraph (b) that includes information that a defendant will be or has been charged with a crime must also include a statement explaining that a criminal charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

Comment

- [1] It is difficult to strike a balance between protecting the right to a fair trial and safeguarding the right of free expression. Preserving the right to a fair trial necessarily entails some curtailment of the information that may be disseminated about a party prior to trial, particularly where trial by jury is involved. If there were no such limits, the result would be the practical nullification of the protective effect of the rules of forensic decorum and the exclusionary rules of evidence. On the other hand, there are vital social interests served by the free dissemination of information about events having legal consequences and about legal proceedings themselves. The public has a right to know about threats to its safety and measures aimed at ensuring its security. It also has a legitimate interest in the conduct of judicial proceedings, particularly in matters of general public concern. Furthermore, the subject matter of legal proceedings is often of direct significance in debate and deliberation over questions of public policy.
- [2] Special rules of confidentiality may validly govern proceedings in juvenile, domestic relations, and mental disability proceedings, and perhaps other types of litigation. Rule 32:3.4(c) requires compliance with such rules.
- [3] The rule sets forth a basic general prohibition against a lawyer's making statements that the lawyer knows or should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding. Recognizing that the public value of informed commentary is great and the likelihood of prejudice to a proceeding by the commentary of a lawyer who is not involved in the proceeding is small, the rule applies only to lawyers who are, or who have been involved in the investigation or litigation of a case, and their associates.
- [4] Paragraph (b) identifies specific matters about which a lawyer's statements would not ordinarily be considered to present a substantial likelihood of material prejudice, and should not in any event be considered prohibited by the general prohibition of paragraph (a). Paragraph (b) is not intended to be an exhaustive listing of the subjects upon which a lawyer may make a statement, but statements on other matters may be subject to paragraph (a).
- [5] There are, on the other hand, certain subjects that are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration. These subjects relate to:
- (1) the character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;
- (2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;
- (3) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

- (4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;
- (5) information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial; or
- (6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.
- [6] Another relevant factor in determining prejudice is the nature of the proceeding involved. Criminal jury trials will be most sensitive to extrajudicial speech. Civil trials may be less sensitive. Non-jury hearings and arbitration proceedings may be even less affected. The rule will still place limitations on prejudicial comments in these cases, but the likelihood of prejudice may be different depending on the type of proceeding.
- [7] Finally, extrajudicial statements that might otherwise raise a question under this rule may be permissible when they are made in response to statements made publicly by another party, another party's lawyer, or third persons, where a reasonable lawyer would believe a public response is required in order to avoid prejudice to the lawyer's client. When prejudicial statements have been publicly made by others, responsive statements may have the salutary effect of lessening any resulting adverse impact on the adjudicative proceeding. Such responsive statements should be limited to contain only such information as is necessary to mitigate undue prejudice created by the statements made by others.
- [8] See rule 32:3.8(f) for additional duties of prosecutors in connection with extrajudicial statements about criminal proceedings.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.7 LAWYER AS WITNESS

- (a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:
 - (1) the testimony relates to an uncontested issue;
 - (2) the testimony relates to the nature and value of legal services rendered in the case; or
 - (3) disqualification of the lawyer would work substantial hardship on the client.
- (b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by rule 32:1.7 or rule 32:1.9.

Comment

[1] Combining the roles of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer and client.

Advocate-Witness Rule

- [2] The tribunal has proper objection when the trier of fact may be confused or misled by a lawyer serving as both advocate and witness. The opposing party has proper objection where the combination of roles may prejudice that party's rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.
- [3] To protect the tribunal, paragraph (a) prohibits a lawyer from simultaneously serving as advocate and necessary witness except in those circumstances specified in paragraphs (a)(1) through (a)(3). Paragraph (a)(1) recognizes that if the testimony will be uncontested, the ambiguities in the dual role are purely theoretical. Paragraph (a)(2) recognizes that where the testimony concerns the extent and value of legal services rendered in the action in which the testimony is offered, permitting the lawyers to testify avoids the need for a second trial with new counsel to resolve that issue. Moreover, in such a situation the judge has firsthand knowledge of the matter in issue; hence, there is less dependence on the adversary process to test the credibility of the testimony.
- [4] Apart from these two exceptions, paragraph (a)(3) recognizes that a balancing is required between the interests of the client and those of the tribunal and the opposing party. Whether the

tribunal is likely to be misled or the opposing party is likely to suffer prejudice depends on the nature of the case, the importance and probable tenor of the lawyer's testimony, and the probability that the lawyer's testimony will conflict with that of other witnesses. Even if there is risk of such prejudice, in determining whether the lawyer should be disqualified, due regard must be given to the effect of disqualification on the lawyer's client. It is relevant that one or both parties could reasonably foresee that the lawyer would probably be a witness. The conflict of interest principles stated in rules 32:1.7, 32:1.9, and 32:1.10 have no application to this aspect of the problem.

[5] Because the tribunal is not likely to be misled when a lawyer acts as advocate in a trial in which another lawyer in the lawyer's firm will testify as a necessary witness, paragraph (b) permits the lawyer to do so except in situations involving a conflict of interest.

Conflict of Interest

- [6] In determining if it is permissible to act as advocate in a trial in which the lawyer will be a necessary witness, the lawyer must also consider that the dual role may give rise to a conflict of interest that will require compliance with rule 32:1.7 or 32:1.9. For example, if there is likely to be substantial conflict between the testimony of the client and that of the lawyer, the representation involves a conflict of interest that requires compliance with rule 32:1.7. This would be true even though the lawyer might not be prohibited by paragraph (a) from simultaneously serving as advocate and witness because the lawyer's disqualification would work a substantial hardship on the client. Similarly, a lawyer who might be permitted to simultaneously serve as an advocate and a witness by paragraph (a)(3) might be precluded from doing so by rule 32:1.9. The problem can arise whether the lawyer is called as a witness on behalf of the client or is called by the opposing party. Determining whether or not such a conflict exists is primarily the responsibility of the lawyer involved. If there is a conflict of interest, the lawyer must secure the client's informed consent, confirmed in writing. In some cases, the lawyer will be precluded from seeking the client's consent. See rule 32:1.7. See rule 32:1.0(b) for the definition of "confirmed in writing" and rule 32:1.0(e) for the definition of "informed consent."
- [7] Paragraph (b) provides that a lawyer is not disqualified from serving as an advocate because a lawyer with whom the lawyer is associated in a firm is precluded from doing so by paragraph (a). If, however, the testifying lawyer would also be disqualified by rule 32:1.7 or rule 32:1.9 from representing the client in the matter, other lawyers in the firm will be precluded from representing the client by rule 32:1.10 unless the client gives informed consent under the conditions stated in rule 32:1.7 or 32:1.9.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

- (a) refrain from prosecuting a charge that the prosecutor knows or reasonably should know is not supported by probable cause;
- (b) make reasonable efforts to ensure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;
- (c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;
- (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;
- (e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:
 - (1) the information sought is not protected from disclosure by any applicable privilege;
- (2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and
 - (3) there is no other feasible alternative to obtain the information; and
 - (f) except for statements that are necessary to inform the public of the nature and extent

of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 32:3.6 or this rule.

Comment

- [1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. *See generally* ABA Standards of Criminal Justice Relating to the Prosecution Function. Applicable law may require other measures by the prosecutor, and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of rule 32:8.4.
- [2] A defendant may waive a preliminary hearing and thereby lose a valuable opportunity to challenge probable cause. Accordingly, prosecutors should not seek to obtain waivers of preliminary hearings or other important pretrial rights from unrepresented accused persons. Paragraph (c) does not apply, however, to an accused appearing pro se with the approval of the tribunal. Nor does it forbid the lawful questioning of an uncharged suspect who has knowingly waived the rights to counsel and silence. In addition, paragraph (c) does not apply to a defendant charged with a simple misdemeanor for which the prosecutor reasonably believes the defendant will not be incarcerated.
- [3] The exception in paragraph (d) recognizes that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest. For purposes of paragraph (d), evidence tending to negate the guilt of the accused includes evidence that tends to impeach a witness for the State.
- [4] Paragraph (e) is intended to limit the issuance of lawyer subpoenas in grand jury and other criminal proceedings to those situations in which there is a genuine need to intrude into the client-lawyer relationship.
- [5] Paragraph (f) supplements rule 32:3.6, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments which have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this comment is intended to restrict the statements which a prosecutor may make which comply with rule 32:3.6(b) or 32:3.6(c) and with rule 32:3.6(e).
- [6] Like other lawyers, prosecutors are subject to rules 32:5.1 and 32:5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer's office. Paragraph (f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case. In addition, paragraph (f) requires a prosecutor to exercise reasonable care to prevent persons assisting or associated with the prosecutor from making improper extrajudicial statements, even when such persons are not under the direct supervision of the prosecutor. Ordinarily, the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law-enforcement personnel and other relevant individuals.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:3.9 ADVOCATE IN NONADJUDICATIVE PROCEEDINGS

A lawyer representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of rules 32:3.3(a) through (c), 32:3.4(a) through (c), and 32:3.5.

Comment

[1] In representation before bodies such as legislatures, municipal councils, and executive and

administrative agencies acting in a rule-making or policy-making capacity, lawyers present facts, formulate issues, and advance argument in the matters under consideration. The decision-making body, like a court, should be able to rely on the integrity of the submissions made to it. A lawyer appearing before such a body must deal with it honestly and in conformity with applicable rules of procedure. In all such appearances the lawyer shall identify the client if identification of the client is not prohibited by law. It is not improper, however, for a lawyer to seek from an agency information available to the public without identifying a client. *See* rules 32:3.3(a)-(c), 32:3.4(a)-(c), and 32:3.5.

- [2] Lawyers have no exclusive right to appear before nonadjudicative bodies, as they do before a court. The requirements of this rule therefore may subject lawyers to regulations inapplicable to advocates who are not lawyers. However, legislatures and administrative agencies have a right to expect lawyers to deal with them as they deal with courts.
- [3] This rule only applies when a lawyer represents a client in connection with an official hearing or meeting of a governmental agency or a legislative body to which the lawyer or the lawyer's client is presenting evidence or argument. It does not apply to representation of a client in a negotiation or other bilateral transaction with a governmental agency or in connection with an application for a license or other privilege or the client's compliance with generally applicable reporting requirements, such as the filing of income tax returns. Nor does it apply to the representation of a client in connection with an investigation or examination of the client's affairs conducted by government investigators or examiners. Representation in such matters is governed by rules 32:4.1 through 32:4.4
- [4] A lawyer representing a client before a governmental body in a nonadjudicative proceeding is engaged in the practice of law, even if such undertakings could also be engaged in by nonlawyers. Accordingly, a client who employs a lawyer to represent that client in lobbying or other advocacy before governmental bodies is entitled to assume that the lawyer will do so pursuant to the lawyer's professional obligations under these rules, specifically including those provisions concerning confidentiality, competence, and conflicts of interest.

 [Court Order April 20, 2005, effective July 1, 2005]

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

Rule 32:4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client, a lawyer shall not knowingly:

- (a) make a false statement of material fact or law to a third person; or
- (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by rule 32:1.6.

Comment

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see rule 32:8.4.

Statements of Fact

[2] This rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under rule 32:1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Paragraph (b) states a specific application of the principle set forth in rule 32:1.2(d) and addresses the situation where a client's crime or fraud takes the form of a lie or misrepresentation. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation, or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. If the lawyer can avoid assisting a client's crime or fraud only by disclosing this information, then under paragraph (b) the lawyer is required to do so, unless the disclosure is prohibited by rule 32:1.6.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:4.2 COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

- (a) In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.
- (b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 32:1.2(c) is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, the opposing lawyer is to communicate with the limited-representation lawyer as to the subject matter within the limited scope of representation.

Comment

- [1] This rule contributes to the proper functioning of the legal system by protecting a person who has chosen to be represented by a lawyer in a matter against possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship, and the uncounseled disclosure of information relating to the representation.
- [2] This rule applies to communications with any person who is represented by counsel concerning the matter to which the communication relates.
- [3] The rule applies even though the represented person initiates or consents to the communication. A lawyer must immediately terminate communication with a person if, after commencing communication, the lawyer learns that the person is one with whom communication is not permitted by this rule.
- [4] This rule does not prohibit communication with a represented person, or an employee or agent of such a person, concerning matters outside the representation. For example, the existence of a controversy between a government agency and a private party, or between two organizations, does not prohibit a lawyer for either from communicating with nonlawyer representatives of the other regarding a separate matter. Nor does this rule preclude communication with a represented person who is seeking advice from a lawyer who is not otherwise representing a client in the matter. A lawyer may not make a communication prohibited by this rule through the acts of another. *See* rule 32:8.4(a). Parties to a matter may communicate directly with each other, and a lawyer is not prohibited from advising a client concerning a communication that the client is legally entitled to make. Also, a lawyer having independent justification or legal authorization for communicating with a represented person is permitted to do so.
- [5] Communications authorized by law may include communications by a lawyer on behalf of a client who is exercising a constitutional or other legal right to communicate with the government. Communications authorized by law may also include investigative activities of lawyers representing governmental entities, directly or through investigative agents, prior to the commencement of criminal or civil enforcement proceedings. When communicating with the accused in a criminal matter, a government lawyer must comply with this rule in addition to honoring the constitutional rights of the accused. The fact that a communication does not violate a state or federal constitutional

right is insufficient to establish that the communication is permissible under this rule.

- [6] A lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order. A lawyer may also seek a court order in exceptional circumstances to authorize a communication that would otherwise be prohibited by this rule, for example, where communication with a person represented by counsel is necessary to avoid reasonably certain injury.
- [7] In the case of a represented organization, this rule prohibits communications with a constituent of the organization who supervises, directs, or regularly consults with the organization's lawyer concerning the matter or has authority to obligate the organization with respect to the matter or whose act or omission in connection with the matter may be imputed to the organization for purposes of civil or criminal liability. Consent of the organization's lawyer is not required for communication with a former constituent. If a constituent of the organization is represented in the matter by his or her own counsel, the consent by that counsel to a communication will be sufficient for purposes of this rule. *Compare* rule 32:3.4(f). In communicating with a current or former constituent of an organization, a lawyer must not use methods of obtaining evidence that violate the legal rights of the organization. *See* rule 32:4.4.
- [8] The prohibition on communications with a represented person only applies in circumstances where the lawyer knows that the person is in fact represented in the matter to be discussed. This means that the lawyer has actual knowledge of the fact of the representation; but such actual knowledge may be inferred from the circumstances. *See* rule 32:1.0(f). Thus, the lawyer cannot evade the requirement of obtaining the consent of counsel by closing eyes to the obvious.
- [9] In the event the person with whom the lawyer communicates is not known to be represented by counsel in the matter, the lawyer's communications are subject to rule 32:4.3. [Court Order April 20, 2005, effective July 1, 2005; March 12, 2007]

Rule 32:4.3 DEALING WITH UNREPRESENTED PERSON

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

Comment

- [1] An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. In order to avoid a misunderstanding, a lawyer will typically need to identify the lawyer's client and, where necessary, explain that the client has interests opposed to those of the unrepresented person. For misunderstandings that sometimes arise when a lawyer for an organization deals with an unrepresented constituent, see rule 32:1.13(f).
- [2] The rule distinguishes between situations involving unrepresented persons whose interests may be adverse to those of the lawyer's client and those in which the person's interests are not in conflict with the client's. In the former situation, the possibility that the lawyer will compromise the unrepresented person's interests is so great that the rule prohibits the giving of any advice, apart from the advice to obtain counsel. Whether a lawyer is giving impermissible advice may depend on the experience and sophistication of the unrepresented person, as well as the setting in which the behavior and comments occur. This rule does not prohibit a lawyer from negotiating the terms of a transaction or settling a dispute with an unrepresented person. So long as the lawyer has explained that the lawyer represents an adverse party and is not representing the person, the lawyer may inform the person of the terms on which the lawyer's client will enter into an agreement or settle a matter, prepare documents that require the person's signature, and explain the lawyer's own view of the meaning of the document or the lawyer's view of the underlying legal obligations.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

- (a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.
- (b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Comment

- [1] Responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of third persons. It is impractical to catalogue all such rights, but they include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship. For example, present or former organizational employees or agents may have information protected by the attorney-client evidentiary privilege or the work product doctrine of the organization itself. If the person contacted by the lawyer has no authority to waive the privilege, the lawyer may not deliberately seek to obtain the information in this manner.
- [2] Paragraph (b) recognizes that lawyers sometimes receive a document or electronically stored information that was mistakenly sent or produced by opposing parties or their lawyers. A document or electronically stored information is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document or electronically stored information was sent inadvertently, then this rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the document or electronically stored information, is a matter of law beyond the scope of these rules, as is the question of whether the privileged status of a document or electronically stored information has been waived. Similarly, this rule does not address the legal duties of a lawyer who receives a document or electronically stored information that the lawyer knows or reasonably should know may have been inappropriately obtained by the sending person. For purposes of this rule, "document or electronically stored information" includes, in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.
- [3] Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving it that it was inadvertently sent. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically stored information is a matter of professional judgment ordinarily reserved to the lawyer. *See* rules 32:1.2 and 32:1.4.

[Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

LAW FIRMS AND ASSOCIATIONS

Rule 32:5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

- (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Iowa Rules of Professional Conduct.
- (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Iowa Rules of Professional Conduct.
- (c) A lawyer shall be responsible for another lawyer's violation of the Iowa Rules of Professional Conduct if:
- (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which

the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

- [1] Paragraph (a) applies to lawyers who have managerial authority over the professional work of a firm. See rule 32:1.0(c). This includes members of a partnership, the shareholders in a law firm organized as a professional corporation, and members of other associations authorized to practice law; lawyers having comparable managerial authority in a legal services organization or a law department of an enterprise or government agency; and lawyers who have intermediate managerial responsibilities in a firm. Paragraph (b) applies to lawyers who have supervisory authority over the work of other lawyers in a firm.
- [2] Paragraph (a) requires lawyers with managerial authority within a firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that all lawyers in the firm will conform to the Iowa Rules of Professional Conduct. Such policies and procedures include those designed to detect and resolve conflicts of interest, identify dates by which actions must be taken in pending matters, account for client funds and property, and ensure that inexperienced lawyers are properly supervised.
- [3] Other measures that may be required to fulfill the responsibility prescribed in paragraph (a) can depend on the firm's structure and the nature of its practice. In a small firm of experienced lawyers, informal supervision and periodic review of compliance with the required systems ordinarily will suffice. In a large firm, or in practice situations in which difficult ethical problems frequently arise, more elaborate measures may be necessary. Some firms, for example, have a procedure whereby junior lawyers can make confidential referral of ethical problems directly to a designated senior partner or special committee. *See* rule 32:5.2. Firms, whether large or small, may also rely on continuing legal education in professional ethics. In any event, the ethical atmosphere of a firm can influence the conduct of all its members, and the partners may not assume that all lawyers associated with the firm will inevitably conform to the rules.
- [4] Paragraph (c) expresses a general principle of personal responsibility for acts of another. *See also* rule 32:8.4(a).
- [5] Paragraph (c)(2) defines the duty of a partner or other lawyer having comparable managerial authority in a law firm, as well as a lawyer who has direct supervisory authority over performance of specific legal work by another lawyer. Whether a lawyer has supervisory authority in particular circumstances is a question of fact. Partners and lawyers with comparable authority have at least indirect responsibility for all work being done by the firm, while a partner or manager in charge of a particular matter ordinarily also has supervisory responsibility for the work of other firm lawyers engaged in the matter. Appropriate remedial action by a partner or managing lawyer would depend on the immediacy of that lawyer's involvement and the seriousness of the misconduct. A supervisor is required to intervene to prevent avoidable consequences of misconduct if the supervisor knows that the misconduct occurred. Thus, if a supervising lawyer knows that a subordinate misrepresented a matter to an opposing party in negotiation, the supervisor as well as the subordinate has a duty to correct the resulting misapprehension.
- [6] Professional misconduct by a lawyer under supervision could reveal a violation of paragraph (b) on the part of the supervisory lawyer even though it does not entail a violation of paragraph (c) because there was no direction, ratification, or knowledge of the violation.
- [7] Apart from this rule and rule 32:8.4(a), a lawyer does not have disciplinary liability for the conduct of a partner, associate, or subordinate. Whether a lawyer may be liable civilly or criminally for another lawyer's conduct is a question of law beyond the scope of these rules.
- [8] The duties imposed by this rule on managing and supervising lawyers do not alter the personal duty of each lawyer in a firm to abide by the Iowa Rules of Professional Conduct. *See* rule 32:5.2(a). [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:5.2 RESPONSIBILITIES OF A SUBORDINATE LAWYER

- (a) A lawyer is bound by the Iowa Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.
 - (b) A subordinate lawyer does not violate the Iowa Rules of Professional Conduct if that

lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

Comment

- [1] Although a lawyer is not relieved of responsibility for a violation by the fact that the lawyer acted at the direction of a supervisor, that fact may be relevant in determining whether a lawyer had the knowledge required to render conduct a violation of the rules. For example, if a subordinate filed a frivolous pleading at the direction of a supervisor, the subordinate would not be guilty of a professional violation unless the subordinate knew of the document's frivolous character.
- [2] When lawyers in a supervisor-subordinate relationship encounter a matter involving professional judgment as to ethical duty, the supervisor may assume responsibility for making the judgment. Otherwise a consistent course of action or position could not be taken. If the question can reasonably be answered only one way, the duty of both lawyers is clear and they are equally responsible for fulfilling it. However, if the question is reasonably arguable, someone has to decide upon the course of action. That authority ordinarily reposes in the supervisor, and a subordinate may be guided accordingly. For example, if a question arises whether the interests of two clients conflict under rule 32:1.7, the supervisor's reasonable resolution of the question should protect the subordinate professionally if the resolution is subsequently challenged.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:5.3 RESPONSIBILITIES REGARDING NONLAWYER ASSISTANCE

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Iowa Rules of Professional Conduct if engaged in by a lawyer if:
- (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
- (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

[1] Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that nonlawyers in the firm and nonlawyers outside the firm who work on firm matters act in a way compatible with the professional obligations of the lawyer. *See* rule 32:1.1, comment [6] (retaining lawyers outside the firm) and rule 32:5.1, comment [1] (responsibilities with respect to lawyers within a firm). Paragraph (b) applies to lawyers who have supervisory authority over such nonlawyers within or outside the firm. Paragraph (c) specifies the circumstances in which a lawyer is responsible for the conduct of such nonlawyers within or outside the firm that would be a violation of the Iowa Rules of Professional Conduct if engaged in by a lawyer.

Nonlawyers Within the Firm

[2] Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of

their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

Nonlawyers Outside the Firm

- [3] A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services to the client. Examples include the retention of an investigative or paraprofessional service, hiring a document management company to create and maintain a database for complex litigation, sending client documents to a third party for printing or scanning, and using an Internet-based service to store client information. When using such services outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience, and reputation of the nonlawyer; the nature of the services involved; the terms of any arrangements concerning the protection of client information; and the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality. See also rules 32:1.1 (competence), 32:1.2 (allocation of authority), 32:1.4 (communication with client), 32:1.6 (confidentiality), 32:5.4(a) (professional independence of the lawyer), and 32:5.5(a) (unauthorized practice of law). When retaining or directing a nonlawyer outside the firm, a lawyer should communicate directions appropriate under the circumstances to give reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer.
- [4] Where the client directs the selection of a particular nonlawyer service provider outside the firm, the lawyer ordinarily should agree with the client concerning the allocation of responsibility for monitoring as between the client and the lawyer. *See* rule 32:1.2. When making such an allocation in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these rules.

[Court Order April 20, 2005, effective July 1, 2005; October 15, 2015]

Rule 32:5.4 PROFESSIONAL INDEPENDENCE OF A LAWYER

- (a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:
- (1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;
- (2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of rule 32:1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price; and
- (3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement.
- (b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.
- (c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.
- (d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:
- (1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;
- (2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation; or
 - (3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

Comment

[1] The provisions of this rule express traditional limitations on sharing fees. These limitations

are to protect the lawyer's professional independence of judgment. Where someone other than the client pays the lawyer's fee or salary, or recommends employment of the lawyer, that arrangement does not modify the lawyer's obligation to the client. As stated in paragraph (c), such arrangements should not interfere with the lawyer's professional judgment.

[2] This rule also expresses traditional limitations on permitting a third party to direct or regulate the lawyer's professional judgment in rendering legal services to another. *See also* rule 32:1.8(f) (lawyer may accept compensation from a third party as long as there is no interference with the lawyer's independent professional judgment and the client gives informed consent). [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
 - (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
- (2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

- [1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person. For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction.
- [2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. *See* rule 32:5.3.
- [3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial

institutions, social workers, accountants, and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

- [4] Other than as authorized by law or this rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b)(1) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. *See also* rules 32:7.1(a) and 32:7.5(b).
- [5] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public, or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.
- [6] There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.
- [7] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory, or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who, while technically admitted, is not authorized to practice because, for example, the lawyer is on inactive status.
- [8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.
- [9] Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this rule requires the lawyer to obtain that authority.
- [10] Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.
- [11] When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.
- [12] Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this

or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

- [13] Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.
- [14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally uniform, foreign, or international law. Lawyers desiring to provide pro bono legal services on a temporary basis in a jurisdiction that has been affected by a major disaster, but in which they are not otherwise authorized to practice law, as well as lawyers from the affected jurisdiction who seek to practice law temporarily in another jurisdiction, but in which they are not otherwise authorized to practice law, should consult Iowa Court Rule 31.17.
- [15] Paragraph (d) identifies two circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.
- [16] Paragraph (d)(1) applies to a lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers, and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work.
- [17] If an employed lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the purpose of rendering legal services to the employer, the lawyer must register and follow the requirements of Iowa Court Rule 31.16.
- [18] Paragraph (d)(2) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation, or judicial precedent.
- [19] A lawyer who practices law in this jurisdiction pursuant to paragraph (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. *See* rule 32:8.5(a).
- [20] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraph (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. *See* rule 32:1.4(b).
- [21] Paragraphs (c) and (d) do not authorize communications advertising legal services in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers

may communicate the availability of their services in this jurisdiction is governed by rules 32:7.1 to 32:7.5.

[Court Order April 20, 2005, effective July 1, 2005; May 14, 2007; August 29, 2012, effective January 1, 2013; October 15, 2015]

Rule 32:5.6 RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

- (a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or
- (b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.

Comment

- [1] An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm.
- [2] Paragraph (b) prohibits a lawyer from agreeing not to represent other persons in connection with settling a claim on behalf of a client.
- [3] This rule does not apply to prohibit restrictions that may be included in the terms of the sale of a law practice pursuant to rule 32:1.17. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:5.7 RESPONSIBILITIES REGARDING LAW-RELATED SERVICES

- (a) A lawyer shall be subject to the Iowa Rules of Professional Conduct with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:
- (1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or
- (2) in other circumstances by an entity controlled by the lawyer individually or with others if the lawyer fails to take reasonable measures to ensure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not exist.
- (b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.

- [1] When a lawyer performs law-related services or controls an organization that does so, there exists the potential for ethical problems. Principal among these is the possibility that the person for whom the law-related services are performed fails to understand that the services may not carry with them the protections normally afforded as part of the client-lawyer relationship. The recipient of the law-related services may expect, for example, that the protection of client confidences, prohibitions against representation of persons with conflicting interests, and obligations of a lawyer to maintain professional independence apply to the provision of law-related services when that may not be the case.
- [2] Rule 32:5.7 applies to the provision of law-related services by a lawyer even when the lawyer does not provide any legal services to the person for whom the law-related services are performed and whether the law-related services are performed through a law firm or a separate entity. The rule identifies the circumstances in which all of the Iowa Rules of Professional Conduct apply to the provision of law-related services. Even when those circumstances do not exist, however, the conduct of a lawyer involved in the provision of law-related services is subject to those rules that apply generally to lawyer conduct, regardless of whether the conduct involves the provision of legal services. See, e.g., rule 32:8.4.

- [3] When law-related services are provided by a lawyer under circumstances that are not distinct from the lawyer's provision of legal services to clients, the lawyer in providing the law-related services must adhere to the requirements of the Iowa Rules of Professional Conduct as provided in paragraph (a)(1). Even when the law-related and legal services are provided in circumstances that are distinct from each other, for example through separate entities or different support staff within the law firm, the Iowa Rules of Professional Conduct apply to the lawyer as provided in paragraph (a)(2) unless the lawyer takes reasonable measures to ensure that the recipient of the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not apply.
- [4] Law-related services also may be provided through an entity that is distinct from that through which the lawyer provides legal services. If the lawyer individually or with others has control of such an entity's operations, the rule requires the lawyer to take reasonable measures to ensure that each person using the services of the entity knows that the services provided by the entity are not legal services and that the Iowa Rules of Professional Conduct that relate to the client-lawyer relationship do not apply. A lawyer's control of an entity extends to the ability to direct its operation. Whether a lawyer has such control will depend upon the circumstances of the particular case.
- [5] When a client-lawyer relationship exists with a person who is referred by a lawyer to a separate law-related service entity controlled by the lawyer, individually or with others, the lawyer must comply with rule 32:1.8(a).
- [6] In taking the reasonable measures referred to in paragraph (a)(2) to ensure that a person using law-related services understands the practical effect or significance of the inapplicability of the Iowa Rules of Professional Conduct, the lawyer should communicate to the person receiving the law-related services, in a manner sufficient to ensure that the person understands the significance of the fact, that the relationship of the person to the business entity will not be a client-lawyer relationship. The communication should be made before entering into an agreement for provision of or providing law-related services, and preferably should be in writing.
- [7] The burden is upon the lawyer to show that the lawyer has taken reasonable measures under the circumstances to communicate the desired understanding. For instance, a sophisticated user of law-related services, such as a publicly held corporation, may require a lesser explanation than someone unaccustomed to making distinctions between legal services and law-related services.
- [8] Regardless of the sophistication of potential recipients of law-related services, a lawyer should take special care to keep separate the provision of law-related and legal services in order to minimize the risk that the recipient will assume that the law-related services are legal services. The risk of such confusion is especially acute when the lawyer renders both types of services with respect to the same matter. Under some circumstances the legal and law-related services may be so closely entwined that they cannot be distinguished from each other, and the requirement of disclosure and consultation imposed by paragraph (a)(2) of the rule cannot be met. In such a case a lawyer will be responsible for ensuring that both the lawyer's conduct and, to the extent required by rule 32:5.3, that of nonlawyer employees in the distinct entity that the lawyer controls comply in all respects with the Iowa Rules of Professional Conduct.
- [9] A broad range of economic and other interests of clients may be served by lawyers' engaging in the delivery of law-related services. Examples of law-related services include providing financial planning, accounting, economic analysis, social work, psychological counseling, and non-legal consulting such as engineering, medical, or environmental consulting.
- [10] When a lawyer is obliged to accord the recipients of such services the protections of those rules that apply to the client-lawyer relationship, the lawyer must take special care to heed the proscriptions of the rules addressing conflict of interest (rules 32:1.7 through 32:1.11, especially rules 32:1.7(a)(2) and 32:1.8(a), (b), and (f)), and to scrupulously adhere to the requirements of rule 32:1.6 relating to disclosure of confidential information. The promotion of the law-related services must also in all respects comply with rules 32:7.1 through 32:7.5, 32:7.7, and 32:7.8, dealing with advertising and solicitation. In that regard, lawyers should take special care to identify the obligations that may be imposed as a result of this state's decisional law.
- [11] When the full protections of all of the Iowa Rules of Professional Conduct do not apply to the provision of law-related services, principles of law external to the rules, for example, the law of principal and agent, govern the legal duties owed to those receiving the services. Those other legal principles may establish a different degree of protection for the recipient with respect to confidentiality of information, conflicts of interest, and permissible business relationships with

clients. See also rule 32:8.4 (Misconduct).

[12] Certain services that may be performed by nonlawyers nonetheless are treated as the practice of law in Iowa when performed by lawyers, including consummation of real estate transactions, preparation of tax returns, legislative lobbying, and estate planning. *See* rule 32:3.9, cmt. [4]; Iowa Ct. R. 37.5. Accordingly, the lawyer providing such services must at all times and under all circumstances comply fully with the Iowa Rules of Professional Conduct. [Court Order April 20, 2005, effective July 1, 2005]

PUBLIC SERVICE

Rule 32:6.1 VOLUNTARY PRO BONO PUBLICO SERVICE

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means or
- (2) charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and
 - (b) provide any additional services through:
- (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, or charitable, religious, civic, community, governmental, and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system, or the legal profession. In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

- [1] Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation.
- [2] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making, and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government lawyers, even when restrictions exist on their engaging in the outside practice of law.
- [3] Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation or by the Iowa Lawyer Trust Account Commission, or other comparable non-profit programs offering legal services to the economically disadvantaged, and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but, nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers, and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

- [4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory attorneys' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.
- [5] While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory, or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2) and paragraphs (b)(1) and (2). Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b)(3), to the extent permitted by such restrictions.
- [6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims, and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural, and religious groups.
- [7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this paragraph.
- [8] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator, and engaging in legislative lobbying to improve the law, the legal system, or the profession are a few examples of the many activities that fall within this paragraph.
- [9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.
- [10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.
- [11] Law firms should act reasonably to enable and encourage all lawyers in the firm to provide the pro bono legal services called for by this rule.
- [12] The responsibility set forth in this rule is not intended to be enforced through disciplinary process.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:6.2 ACCEPTING APPOINTMENTS

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

- (a) representing the client is likely to result in violation of the Iowa Rules of Professional Conduct or other law;
- (b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or
 - (c) the client or the cause is so repugnant to the lawyer as to be likely to impair the

client-lawyer relationship or the lawyer's ability to represent the client.

Comment

[1] A lawyer ordinarily is not obliged to accept a client whose character or cause the lawyer regards as repugnant. The lawyer's freedom to select clients is, however, qualified. All lawyers have a responsibility to assist in providing pro bono publico service. *See* rule 32:6.1. An individual lawyer fulfills this responsibility by accepting a fair share of unpopular matters or indigent or unpopular clients. A lawyer may also be subject to appointment by a court to serve unpopular clients or persons unable to afford legal services.

Appointed Counsel

- [2] For good cause a lawyer may seek to decline an appointment to represent a person who cannot afford to retain counsel or whose cause is unpopular. Good cause exists if the lawyer could not handle the matter competently, *see* rule 32:1.1, or if undertaking the representation would result in an improper conflict of interest, for example, when the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client. A lawyer may also seek to decline an appointment if acceptance would be unreasonably burdensome, for example, when it would impose a financial sacrifice so great as to be unjust.
- [3] An appointed lawyer has the same obligations to the client as retained counsel, including the obligations of loyalty and confidentiality, and is subject to the same limitations on the client-lawyer relationship, such as the obligation to refrain from assisting the client in violation of the rules. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

A lawyer may serve as a director, officer, or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

- (a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under rule 32:1.7; or
- (b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Comment

- [1] Lawyers should be encouraged to support and participate in legal services organizations. A lawyer who is an officer or a member of such an organization does not thereby have a client-lawyer relationship with persons served by the organization. However, there is potential conflict between the interests of such persons and the interests of the lawyer's clients. If the possibility of such conflict disqualified a lawyer from serving on the board of a legal services organization, the profession's involvement in such organizations would be severely curtailed.
- [2] It may be necessary in appropriate cases to reassure a client of the organization that the representation will not be affected by conflicting loyalties of a member of the board. Established, written policies in this respect can enhance the credibility of such assurances.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

A lawyer may serve as a director, officer, or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefitted by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

[1] Lawyers involved in organizations seeking law reform generally do not have a client-lawyer relationship with the organization. Otherwise, it might follow that a lawyer could not be involved in a bar association law reform program that might indirectly affect a client. *See also* rule 32:1.2(b). For example, a lawyer specializing in antitrust litigation might be regarded as disqualified from participating in drafting revisions of rules governing that subject. In determining the nature and scope of participation in such activities, a lawyer should be mindful of obligations to clients under other rules, particularly rule 32:1.7. A lawyer is professionally obligated to protect the integrity of the program by making an appropriate disclosure within the organization when the lawyer knows a private client might be materially benefitted.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS

- (a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:
- (1) is subject to rules 32:1.7 and 32:1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and
- (2) is subject to rule 32:1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by rule 32:1.7 or 32:1.9(a) with respect to the matter.
- (b) Except as provided in paragraph (a)(2), rule 32:1.10 is inapplicable to a representation governed by this rule.

- [1] Legal services organizations, courts, and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services—such as advice or the completion of legal forms—that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics, or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., rules 32:1.7, 32:1.9, and 32:1.10.
- [2] A lawyer who provides short-term limited legal services pursuant to this rule must secure the client's informed consent to the limited scope of the representation. *See* rule 32:1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this rule, the Iowa Rules of Professional Conduct, including rules 32:1.6 and 32:1.9(c), are applicable to the limited representation.
- [3] Because a lawyer who is representing a client in the circumstances addressed by this rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with rule 32:1.7 or 32:1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with rule 32:1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by rule 32:1.7 or 32:1.9(a) in the matter.
- [4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that rule 32:1.10 is inapplicable to a representation governed by this rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with rule 32:1.10 when the lawyer knows that the lawyer's firm is disqualified by rule 32:1.7 or 32:1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.
 - [5] If, after commencing a short-term limited representation in accordance with this rule, a lawyer

undertakes to represent the client in the matter on an ongoing basis, rules 32:1.7, 32:1.9(a), and 32:1.10 become applicable.

[Court Order April 20, 2005, effective July 1, 2005]

INFORMATION ABOUT LEGAL SERVICES

Rule 32:7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

- [1] This rule governs all communications about a lawyer's services, including advertising permitted by rule 32:7.2. Whatever means are used to make known a lawyer's services, statements about them must be truthful.
- [2] Truthful statements that are misleading are also prohibited by this rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.
- [3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.
- [4] See rule 32:8.4(e) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law.

[Court Order April 20, 2005, effective July 1, 2005; August 29, 2012, effective January 1, 2013]

Rule 32:7.2 ADVERTISING

- (a) Subject to the requirements of rules 32:7.1 and 32:7.3, a lawyer may advertise services through written, recorded, or electronic communication, including public media.
- (b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may:
 - (1) pay the reasonable costs of advertisements or communications permitted by this rule;
- (2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;
 - (3) pay for a law practice in accordance with rule 32:1.17; and
- (4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these rules that provides for the other person to refer clients or customers to the lawyer, if
 - (i) the reciprocal referral agreement is not exclusive, and
 - (ii) the client is informed of the existence and nature of the agreement.
- (c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

- [1] To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.
- [2] This rule permits public dissemination of information concerning a lawyer's name or firm name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.
- [3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television, the internet, and other forms of electronic communication are now among the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, the internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. But see rule 32:7.3(a) for the prohibition against a solicitation through a real-time electronic exchange initiated by the lawyer.
- [4] Neither this rule nor rule 32:7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

- [5] Except as permitted under paragraphs (b)(1)-(b)(4), lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates rule 32:7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by this rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, internet-based advertisements, and group advertising. A lawyer may compensate employees, agents, and vendors who are engaged to provide marketing or client development services, such as publicists, public-relations personnel, business-development staff, and website designers. Moreover, a lawyer may pay others for generating client leads, such as internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with rules 32:1.5(e) (division of fees) and 32:5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with rule 32:7.1 (communications concerning a lawyer's services). To comply with rule 32:7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See also rule 32:5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers); rule 32:8.4(a) (duty to avoid violating the rules through the acts of another).
- [6] A lawyer may pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Such referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this rule only permits a lawyer to pay the usual charges of a

not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is one that is approved by an appropriate regulatory authority as affording adequate protections for the public.

- [7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. *See* rule 32:5.3. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate rule 32:7.3.
- [8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See rules 32:2.1 and 32:5.4(c). Except as provided in rule 32:1.5(e), a lawyer who receives referrals from a lawyer or nonlawyer professional must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this rule by agreeing to refer clients to the other lawyer or nonlawyer professional, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by rule 32:1.7. Reciprocal referral agreements should not be of indefinite duration and should be reviewed periodically to determine whether they comply with these rules. This rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.

[Court Order April 20, 2005, effective July 1, 2005; November 19, 2007; August 29, 2012, effective January 1, 2013]

Rule 32:7.3 SOLICITATION OF CLIENTS

- (a) A lawyer shall not by in-person, live telephone, or real-time electronic contact solicit professional employment when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:
 - (1) is a lawyer; or
 - (2) has a family, close personal, or prior professional relationship with the lawyer.
- (b) A lawyer shall not solicit professional employment by written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:
- (1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or
 - (2) the solicitation involves coercion, duress, or harassment.
- (c) Every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2).
- (d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment

[1] A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to internet searches.

- [2] There is a potential for abuse when a solicitation involves direct in-person, live telephone, or real-time electronic contact by a lawyer with someone known to need legal services. These forms of contact subject a person to the private importuning of the trained advocate in a direct interpersonal encounter. The person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.
- [3] This potential for abuse inherent in direct in-person, live telephone, or real-time electronic solicitation justifies its prohibition, particularly since lawyers have alternative means of conveying necessary information to those who may be in need of legal services. In particular, communications can be mailed or transmitted by email or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to direct in-person, telephone, or real-time electronic persuasion that may overwhelm a person's judgment.
- [4] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public, rather than direct in-person, live telephone, or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under rule 32:7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of rule 32:7.1. The contents of direct in-person, live telephone, or real-time electronic contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.
- [5] There is far less likelihood that a lawyer would engage in abusive practices against a former client, or a person with whom the lawyer has close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer. Consequently, the general prohibition in rule 32:7.3(a) and the requirements of rule 32:7.3(c) are not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal service organizations or bona fide political, social, civic, fraternal, employee, or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.
- [6] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of rule 32:7.1, which involves coercion, duress, or harassment within the meaning of rule 32:7.3(b)(2), or which involves contact with someone who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of rule 32:7.3(b)(l) is prohibited. Moreover, if after sending a letter or other communication as permitted by rule 32:7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of rule 32:7.3(b).
- [7] This rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries, or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement, which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under rule 32:7.2.
- [8] The requirement in rule 32:7.3(c) that certain communications be marked "Advertising Material" does not apply to communications sent in response to requests of potential clients or their spokespersons or sponsors. General announcements by lawyers, including changes in personnel or office location, do not constitute communications soliciting professional employment from a client known to be in need of legal services within the meaning of this rule.

[9] Paragraph (d) of this rule permits a lawyer to participate with an organization which uses personal contact to solicit members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations also must not be directed to a person known to need legal services in a particular matter, but is to be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with rules 32:7.1, 32:7.2, and 32:7.3(b). See 32:8.4(a).

[Court Order April 20, 2005, effective July 1, 2005; August 29, 2012, effective January 1, 2013]

Rule 32:7.4 COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION

- (a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.
- (b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation.
- (c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty," or a substantially similar designation.
- (d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:
- (1) the lawyer has been certified as a specialist by an organization or state authority that the attorney can demonstrate is qualified to grant such certification to attorneys who meet objective and consistently applied standards relevant to practice in a particular area of law;
 - (2) the name of the certifying organization is clearly identified in the communication;
- (3) the reference to the certification must be truthful and verifiable and may not be misleading in violation of rule 32:7.1; and
- (4) the representation by the lawyer that he or she is certified as a specialist states that the Supreme Court of Iowa does not certify lawyers as specialists in the practice of law and that certification is not a requirement to practice law in the State of Iowa.

- [1] Paragraph (a) of this rule permits a lawyer to indicate areas of practice in communications about the lawyer's services. If a lawyer practices only in certain fields, or will not accept matters except in a specified field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular fields, but such communications are subject to the "false and misleading" standard applied in rule 32:7.1 to communications concerning a lawyer's services.
- [2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark Office for the designation of lawyers practicing before the Office. Paragraph (c) recognizes that designation of Admiralty practice has a long historical tradition associated with maritime commerce and the federal courts
- [3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization or state authority that uses objective and consistently applied standards relevant to practice in a particular area of law. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Certifying organizations are expected to apply standards of experience, knowledge, and proficiency to insure that a lawyer's recognition as a specialist is meaningful and reliable. In order to insure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification. Any reference that

the lawyer is certified as a specialist must be verifiable, meet the requirements of rule 32:7.1, and include the disclaimer as required by paragraph (d)(4) of this rule.

[Court Order April 20, 2005, effective July 1, 2005; March 12, 2007; November 19, 2007; March 12, 2012; August 29, 2012, effective January 1, 2013]

Rule 32:7.5 FIRM NAMES AND LETTERHEADS

- (a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates rule 32:7.1. A trade name or uniform resource locator (URL) may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of rule 32:7.1.
- (b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- (c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.
- (e) Every letterhead, sign, advertisement, card, or other place where a trade name or URL is communicated to the public, where the trade name or URL is more than a minor variation of the official name of the lawyer, firm, or organization, shall display the name and address of one or more of its principally responsible lawyers licensed to practice in Iowa.

Comment

- [1] A firm may be designated by the names of all or some of its members, by the names of deceased or retired members where there has been a continuing succession in the firm's identity, by the name as it appears on a lawyer's current license to practice, or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Use of trade names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Sioux City Legal Clinic," an express disclaimer that it is not a public legal aid agency may be required to avoid a misleading implication. The use of the phrase "Legal Aid" for other than a non-profit legal aid agency is not permissible. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.
- [2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm. [Court Order April 20, 2005, effective July 1, 2005; August 29, 2012, effective January 1, 2013]

Rule 32:7.6 POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL ENGAGEMENTS OR APPOINTMENTS BY JUDGES

A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

Comment

[1] Lawyers have a right to participate fully in the political process, which includes making and soliciting political contributions for judicial retention election and other public office. Nevertheless, when lawyers make or solicit political contributions in order to obtain an engagement for legal work awarded by a government agency, or to obtain appointment by a judge, the public may legitimately

question whether the lawyers engaged to perform the work are selected on the basis of competence and merit. In such a circumstance, the integrity of the profession is undermined.

- [2] The term "political contribution" denotes any gift, subscription, loan, advance, or deposit of anything of value made directly or indirectly to a candidate, incumbent, political party, or campaign committee to influence or provide financial support for retention in a judicial election or election to other government office. Political contributions in initiative and referendum elections are not included. For purposes of this rule, the term "political contribution" does not include uncompensated services.
- [3] Subject to the exceptions below, (i) the term "government legal engagement" denotes any engagement to provide legal services that a public official has the direct or indirect power to award; and (ii) the term "appointment by a judge" denotes an appointment to a position such as referee, commissioner, special master, receiver, guardian, or other similar position that is made by a judge. Those terms do not, however, include (a) substantially uncompensated services; (b) engagements or appointments made on the basis of experience, expertise, professional qualifications, and cost following a request for proposal or other process that is free from influence based upon political contributions; and (c) engagements or appointments made on a rotational basis from a list compiled without regard to political contributions.
- [4] The term "lawyer or law firm" includes a political action committee or other entity owned or controlled by a lawyer or law firm.
- [5] Political contributions are for the purpose of obtaining or being considered for a governmental legal engagement or appointment by a judge if, but for the desire to be considered for the legal engagement or appointment, the lawyer or law firm would not have made or solicited the contributions. The purpose may be determined by an examination of the circumstances in which the contributions occur. For example, one or more contributions that in the aggregate are substantial in relation to other contributions by lawyers or law firms, made for the benefit of an official in position to influence award of a government legal engagement, and followed by an award of the legal engagement to the contributing or soliciting lawyer or the lawyer's firm would support an inference that the purpose of the contributions was to obtain the engagement, absent other factors that weigh against existence of the proscribed purpose. Those factors may include among others that the contribution or solicitation was made to further a political, social, or economic interest or because of an existing personal, family, or professional relationship with a candidate.
- [6] If a lawyer makes or solicits a political contribution under circumstances that constitute bribery or another crime, rule 32:8.4(b) is implicated.

 [Court Order April 20, 2005, effective July 1, 2005; August 29, 2012, effective January 1, 2013]

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 32:8.1 BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by rule 32:1.6 or Iowa Code section 622.10.

Comment

[1] The duty imposed by this rule extends to persons seeking admission to the bar as well as to lawyers. Hence, if a person makes a material false statement in connection with an application for admission, it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application. The duty imposed by this rule applies to a lawyer's own admission or disciplinary matter as well as that of others. Thus, it is a separate professional offense for a lawyer to knowingly make a misrepresentation or omission in connection with a disciplinary investigation of the lawyer's own conduct. Paragraph (b) of this rule also requires correction of any prior misstatement in the matter that the applicant or lawyer may have made and affirmative clarification of any misunderstanding on the part of the admissions or

disciplinary authority of which the person involved becomes aware.

- [2] This rule is subject to the provisions of the Fifth Amendment of the United States Constitution and corresponding provisions of state constitutions. A person relying on such a provision in response to a question, however, should do so openly and not use the right of nondisclosure as a justification for failure to comply with this rule.
- [3] A lawyer representing an applicant for admission to the bar, or representing a lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the rules applicable to the client-lawyer relationship, including rule 32:1.6, Iowa Code section 622.10, and, in some cases, rule 32:3.3.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:8.2 JUDICIAL AND LEGAL OFFICIALS

- (a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer, or public legal officer, or of a candidate for election or appointment to judicial or legal office.
- (b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Comment

- [1] Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices, such as attorney general, prosecuting attorney, and public defender. Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.
- [2] When a lawyer seeks judicial office, the lawyer should be bound by applicable limitations on political activity.
- [3] To maintain the fair and independent administration of justice, lawyers are encouraged to continue traditional efforts to defend judges and courts unjustly criticized.

 [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:8.3 REPORTING PROFESSIONAL MISCONDUCT

- (a) A lawyer who knows that another lawyer has committed a violation of the Iowa Rules of Professional Conduct shall inform the appropriate professional authority.
- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct shall inform the appropriate authority.
- (c) This rule does not require disclosure of information otherwise protected by rule 32:1.6 or Iowa Code section 622.10 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.

- [1] Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Iowa Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.
- [2] A report about misconduct is not required where it would involve violation of rule 32:1.6 or Iowa Code section 622.10. However, a lawyer should encourage a client to consent to disclosure where prosecution of the professional misconduct would not substantially prejudice the client's interests.
 - [3] (Reserved)
- [4] The duty to report professional misconduct does not apply to a lawyer retained to represent a lawyer whose professional conduct is in question. Such a situation is governed by the rules applicable to the client-lawyer relationship and Iowa Code section 622.10.

[5] Information about a lawyer's or judge's misconduct or fitness may be received by a lawyer in the course of that lawyer's participation in an approved lawyers or judges assistance program. In that circumstance, providing for an exception to the reporting requirements of paragraphs (a) and (b) of this rule encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and the public. These rules do not otherwise address the confidentiality of information received by a lawyer or judge participating in an approved lawyers assistance program; such an obligation, however, may be imposed by the rules of the program or other law.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 32:8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Iowa Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
 - (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
 - (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) engage in sexual harassment or other unlawful discrimination in the practice of law or knowingly permit staff or agents subject to the lawyer's direction and control to do so.

- [1] Lawyers are subject to discipline when they violate or attempt to violate the Iowa Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.
- [2] Illegal conduct can reflect adversely on fitness to practice law. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.
- [3] A lawyer who, in the course of representing a client, knowingly manifests, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this rule. For another reference to discrimination as professional misconduct, see paragraph (g).
- [4] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of rule 32:1.2(d) concerning a good faith challenge to the validity, scope, meaning, or application of the law apply to challenges of legal regulation of the practice of law.
- [5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of a lawyer. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent, and officer, director, or manager of a corporation or other organization.
- [6] It is not professional misconduct for a lawyer to advise clients or others about or to supervise or participate in lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights or in lawful intelligence-gathering activity, provided the lawyer's conduct is otherwise in compliance with these rules. "Covert activity" means an effort to obtain information on unlawful activity through the use of misrepresentations or other subterfuge. Covert activity may be commenced by a lawyer or involve a lawyer as an advisor or supervisor only when the lawyer in

good faith believes there is a reasonable possibility that unlawful activity has taken place, is taking place, or will take place in the foreseeable future. Likewise, a government lawyer who supervises or participates in a lawful covert operation which involves misrepresentation or deceit for the purpose of gathering relevant information, such as law enforcement investigation of suspected illegal activity or an intelligence-gathering activity, does not, without more, violate this rule. [Court Order April 20, 2005, effective July 1, 2005]

Rule 32:8.5 DISCIPLINARY AUTHORITY; CHOICE OF LAW

- (a) Disciplinary Authority. A lawyer admitted to practice in Iowa is subject to the disciplinary authority of Iowa, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Iowa is also subject to the disciplinary authority of Iowa if the lawyer provides or offers to provide any legal services in Iowa. A lawyer may be subject to the disciplinary authority of both Iowa and another jurisdiction for the same conduct.
- (b) Choice of Law. In any exercise of the disciplinary authority of Iowa, the rules of professional conduct to be applied shall be as follows:
- (1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and
- (2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

Comment

Disciplinary Authority

[1] It is longstanding law that the conduct of a lawyer admitted to practice in Iowa is subject to the disciplinary authority of Iowa. Extension of the disciplinary authority of Iowa to other lawyers who provide or offer to provide legal services in Iowa is for the protection of the citizens of Iowa. Reciprocal enforcement of a jurisdiction's disciplinary findings and sanctions will further advance the purposes of this rule. *See* Iowa Ct. R. 35.19. A lawyer who is subject to Iowa's disciplinary authority under rule 32:8.5(a) appoints the Clerk of the Supreme Court of Iowa to receive service of process with respect to Iowa disciplinary matters. The fact that the lawyer is subject to the disciplinary authority of Iowa may be a factor in determining whether personal jurisdiction may be asserted over the lawyer for civil matters.

Choice of law

- [2] A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.
- [3] Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.
- [4] Paragraph (b)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (b)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the

lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits, or in another jurisdiction.

- [5] When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this rule.
- [6] If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, in applying this rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.
- [7] The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties, or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise.

[Court Order April 20, 2005, effective July 1, 2005; February 20, 2012]

CHAPTER 33 STANDARDS FOR PROFESSIONAL CONDUCT¹

Rule 33.1	Preamble
Rule 33.2	Lawyers' duties to other counsel
Rule 33.3	Lawyers' duties to the court
Rule 33.4	Courts' duties to lawyers
Rule 33.5	Judges' duties to each other

With the exception of rule 33.2(6) and rule 33.2(8) of the lawyers' duties to other counsel, the preamble and remaining rules in this chapter were taken from the final report of the committee on civility of the seventh federal judicial circuit and adopted by the Iowa Supreme Court on April 12, 1996.

CHAPTER 33 STANDARDS FOR PROFESSIONAL CONDUCT²

Rule 33.1 Preamble.

- **33.1(1)** A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful and efficient manner.
- 33.1(2) A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality and protection against unjust and improper criticism or attack.
- 33.1(3) Conduct that may be characterized as uncivil, abrasive, abusive, hostile or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.
- **33.1(4)** The following standards are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.
- **33.1(5)** We expect judges and lawyers will make a mutual and firm commitment to these standards. Voluntary adherence is expected as part of a commitment by all participants to improve the administration of justice throughout the state.
- **33.1(6)** Lawyers are alerted to the fact that, while the standards refer generally to matters which are in court, the same standards also apply to professional conduct in all phases of the practice of law.
- **33.1(7)** These standards shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these standards supersedes or detracts from existing disciplinary codes or alters existing standards of conduct against which lawyer negligence may be determined. [Court Order November 9, 2001, effective February 15, 2002]

Rule 33.2 Lawyers' duties to other counsel.

- **33.2(1)** We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications.
- **33.2(2)** We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties or witnesses. We will abstain from disparaging remarks or acrimony toward other counsel, parties or witnesses. We will treat adverse witnesses and parties with fair consideration.
- 33.2(3) We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.
- **33.2(4)** We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
- 33.2(5) We will not seek court sanctions without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.
- **33.2(6)** We will cooperate in the transfer of files, wills, and other documents to another attorney when requested to do so, orally or in writing, by a person authorized to make that request. We will provide reasonable assistance in organizing and explaining items transferred, recognizing that such cooperation assists the client in receiving competent legal representation.
- **33.2(7)** We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.
- 33.2(8) We will promptly acknowledge the receipt of contacts from other attorneys, whether those contacts are by telephone or in writing, and we will make an appropriate response to the subject matter of the contact as soon as reasonably possible.

With the exception of rule 33.2(6) and rule 33.2(8) of the lawyers' duties to other counsel, the preamble and remaining rules in this chapter were taken from the final report
of the committee on civility of the seventh federal judicial circuit and adopted by the Iowa Supreme Court on April 12, 1996.

- **33.2(9)** When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the opportunity for review of the writing to other counsel. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.
- **33.2(10)** We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement as a means to adjourn discovery or to delay trial
- **33.2(11)** In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
 - **33.2(12)** We will not use any form of discovery or discovery scheduling as a means of harassment.
- 33.2(13) We will make good faith efforts to resolve by agreement our objections to matters contained in pleadings and discovery requests and objections.
- 33.2(14) We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- **33.2(15)** We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.
- **33.2(16)** We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- **33.2(17)** We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars or other functions that produce good faith calendar conflicts on the part of other counsel. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.
- **33.2(18)** We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.
- **33.2(19)** We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.
- 33.2(20) We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know the opposing counsel's identity.
- **33.2(21)** We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions for the purposes of harassment or to increase litigation expenses.
- **33.2(22)** We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.
- 33.2(23) We will not obstruct questioning during a deposition or object to deposition questions unless necessary under the applicable rules to preserve an objection or privilege for resolution by the court.
- **33.2(24)** During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action.
- 33.2(25) We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party.
- **33.2(26)** We will respond to document requests reasonably and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and nonprivileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents.
- 33.2(27) We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party.
- **33.2(28)** We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and nonprivileged information.
- 33.2(29) We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information.

- **33.2(30)** When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.
- 33.2(31) We will not ascribe a position to another counsel that counsel has not taken or otherwise seek to create an unjustified inference based on counsel's statements or conduct.
- 33.2(32) Unless specifically permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 33.3 Lawyers' duties to the court.

- 33.3(1) We will speak and write civilly and respectfully in all communications with the court.
- **33.3(2)** We will be punctual and prepared for all court appearances so that all hearings, conferences and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- **33.3(3)** We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- **33.3(4)** We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- 33.3(5) We will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities in any oral or written communication to the court.
- **33.3(6)** We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.
- **33.3(7)** Before a date for hearing or trial is set or, if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.
- **33.3(8)** We will act and speak civilly to court attendants, clerks, court reporters, secretaries and law clerks with an awareness that they too are an integral part of the judicial system. [Court Order November 9, 2001, effective February 15, 2002]

Rule 33.4 Courts' duties to lawyers.

- **33.4(1)** We will be courteous, respectful and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to ensure that all litigation proceedings are conducted in a civil manner.
- 33.4(2) We will not employ hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties or witnesses.
- **33.4(3)** We will be punctual in convening all hearings, meetings and conferences; if delayed, we will notify counsel, if possible.
- **33.4(4)** In scheduling all hearings, meetings and conferences we will be considerate of time schedules of lawyers, parties and witnesses.
- **33.4(5)** We will make all reasonable efforts to decide promptly all matters presented to us for decision.
- **33.4(6)** We will give the issues in controversy deliberate, impartial and studied analysis and consideration.
- **33.4(7)** While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.
- **33.4(8)** We recognize that a lawyer has a right and duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.
- **33.4(9)** We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.
- **33.4(10)** We will do our best to ensure that court personnel act civilly toward lawyers, parties and witnesses.
 - **33.4(11)** We will not adopt procedures that needlessly increase litigation expense.
- **33.4(12)** We will bring to lawyers' attention uncivil conduct which we observe. [Court Order November 9, 2001, effective February 15, 2002]

Rule 33.5 Judges' duties to each other.

- 33.5(1) We will be courteous, respectful and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.
- 33.5(2) In all written and oral communications, we will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.
- **33.5(3)** We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice. [Court Order November 9, 2001, effective February 15, 2002]

CHAPTER 34 ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.1	Iowa Supreme Court Grievance Commission		
Rule 34.2	Grievance commission; vice chair duties		
Rule 34.3	Substitutions and vacancies on the grievance commission		
Rule 34.4	Confidentiality of grievance commission		
Rule 34.5	Retention of grievance commission records		
	ATTORNEY DISCIPLINARY BOARD		
Rule 34.6	Iowa Supreme Court Attorney Disciplinary Board		
Rule 34.7	Disciplinary board advisory opinions prohibited		
Rule 34.8	Retention of disciplinary board records		
	GENERAL DISCIPLINARY RULES OF		
GRIEV	ANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD		
Rule 34.9	Effective dates		
Rule 34.10	Jurisdiction		
Rule 34.11	Reserved		
Rule 34.12	Immunity		
Rule 34.13	Reports		
Rule 34.14	Interim suspension for threat of harm		
Rule 34.15	Suspension on conviction of a crime		
Rule 34.16	Suspension or disbarment on consent		
Rule 34.17	Disability suspension		
Rule 34.18	Death, suspension, or disbarment of practicing attorney		
Rule 34.19	Reciprocal discipline		
Rule 34.20	Suspension of attorney's license for failure to comply with a child support order		
Rule 34.21	Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission		
Rule 34.22	Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue		
Rule 34.23	Suspension generally		
Rule 34.24	Notification of clients and counsel		
	REINSTATEMENT AND READMISSION		
Rule 34 25	Procedure on application for reinstatement or readmission		

CHAPTER 34 ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.1 Iowa Supreme Court Grievance Commission.

- **34.1(1)** There is hereby created the Iowa Supreme Court Grievance Commission (grievance commission) consisting of 25 attorneys from judicial election district 5C, 15 attorneys from judicial election district 5A, 10 attorneys from judicial election district 6, and 5 attorneys from each other judicial election district, to be appointed by the supreme court. The supreme court will designate one attorney as grievance commission chair. The supreme court will accept nominations for appointment to the grievance commission from any association of attorneys that maintains an office within the State of Iowa or any attorney licensed in Iowa. The grievance commission also consists of no fewer than 5 or more than 45 laypersons appointed by the court. Members must serve no more than two three-year terms, and no member who has served two full terms is eligible for reappointment. A member serving as a primary or alternate member of a division of the grievance commission at the time the member's regular term ends must, nonetheless, continue to serve on that division until the division has concluded its duties with respect to the complaint for which the division was appointed.
- **34.1(2)** Grievance commission members are referred to as commissioners. The grievance commission or a duly appointed division of the grievance commission must hold hearings and receive evidence concerning alleged violations, wherever such violations occur, of the Iowa Rules of Professional Conduct, the laws of the United States, and the laws of the State of Iowa or any other state or territory within their respective jurisdictions, by attorneys within the jurisdiction of the grievance commission as described in rule 34.10. The grievance commission has such other powers and duties as these rules provide.
- **34.1(3)** A grievance commission member must not represent, in any stage of an investigative or disciplinary proceeding, any attorney against whom an ethical complaint is filed. A grievance commission member may represent an attorney in a malpractice, criminal, or other matter; however, the member must decline representation of the attorney in any stage of the investigative or disciplinary proceeding and must not participate in any hearing or other proceeding before the grievance commission. These prohibitions extend to attorneys associated in a firm with a grievance commission member with respect to those cases in which the member participates or has participated as a member of a division or as an alternate.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.1 formerly appeared at Iowa Court Rule 35.1. It is amended to delete the requirement for annual designation of the grievance commission chair. The requirement for administrative committee review of the annual grievance commission budget also is removed. Responsibility for formulation and submission of the annual budget for the grievance commission is addressed in chapter 49 of the Iowa Court Rules. Jurisdictional requirements are deleted from the rule and replaced by a reference to the new jurisdiction provision in rule 34.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.2 Grievance commission; vice chair duties. The director of the office of professional regulation must designate a clerk and an assistant clerk for the grievance commission. The director of the office of professional regulation and the grievance commission chair must designate a vice chair. In the chair's absence or inability to act, the vice chair must perform all duties of the chair. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.2 formerly appeared as Iowa Court Rule 36.1. It is amended to remove the specific designation of the assistant director for boards and commissions as the grievance commission clerk to provide more flexibility in assignment of duties within the office of professional regulation. The provision for short-form references to the grievance commission is moved to rule 34.1(1). [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.3 Substitutions and vacancies on the grievance commission.

- **34.3(1)** In the absence of the grievance commission chair and vice chair or inability of the chair and vice chair to perform any of the duties provided in this chapter, the director of the office of professional regulation may designate some other member as acting chair to perform the duties.
- **34.3(2)** In the absence or inability of a division president to perform any of the duties provided in this chapter, the chair may designate some other member as acting president to perform the duties. If a vacancy occurs in any division from any cause, the chair, vice chair, or acting chair of the grievance commission must fill the vacancy.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 34.3 formerly appeared as Iowa Court Rule 36.16. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.4 Confidentiality of grievance commission.

- **34.4(1)** All records, papers, proceedings, meetings, and hearings of the grievance commission are confidential unless the grievance commission recommends that the supreme court reprimand the respondent or suspend or revoke the respondent's license.
- **34.4(2)** If the grievance commission recommends that the supreme court reprimand the respondent or suspend or revoke the respondent's license, the grievance commission's report of reprimand or recommendation for license suspension or revocation is a public document upon its filing with the supreme court clerk. In addition, if the grievance commission recommends the supreme court reprimand the respondent or suspend or revoke the respondent's license, the complaint filed with the grievance commission by the Iowa Supreme Court Attorney Disciplinary Board is a public document.
- **34.4(3)** Any other records and papers of the grievance commission concerning any complaint are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent, the attorneys, or the attorneys' agents involved in the proceeding before the grievance commission. The respondent, the attorneys, or the attorneys' agents involved in the proceeding before the grievance commission must not disclose any records and papers of the grievance commission concerning any complaint to any third parties unless disclosure is required in the prosecution or defense of disciplinary charges. The confidential records and papers of the grievance commission concerning any complaint are not admissible in evidence in a judicial or administrative proceeding other than the formal grievance commission hearing under Iowa Court Rule 36.17.
- **34.4(4)** Every witness in every proceeding under this chapter must swear or affirm to tell the truth and not to disclose the existence of the proceeding or the identity of the respondent until the proceeding is no longer confidential.
- **34.4(5)** All communications, papers, and materials concerning any complaint that may come into the hands of a grievance commission member must remain confidential, and the member must keep them in a safe and secure place.
- **34.4(6)** The grievance commission clerk, the chair, or a grievance commission member the chair designates may issue one or more clarifying announcements when the subject matter of a complaint is of broad public interest and failure to supply information on the status and nature of the formal proceedings could threaten public confidence in the administration of justice. No other grievance commission member may make any public statement concerning any matter before the grievance commission without prior approval of the grievance commission.
- **34.4(7)** Nothing in this chapter prohibits the grievance commission from releasing any information regarding possible criminal violations to appropriate law enforcement authorities, wherever located, or to attorney disciplinary and bar admission authorities in other jurisdictions, or from releasing any information regarding possible violations of the Iowa Code of Judicial Conduct to the Commission on Judicial Qualifications.
- **34.4(8)** For purposes of this rule, a grievance commission recommendation that a respondent not licensed to practice law in Iowa be publicly censured or reprimanded or be ordered, enjoined, or otherwise directed not to practice law in Iowa for any period of time is deemed the equivalent of a recommendation to reprimand, suspend, or revoke.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.4 formerly appeared as Iowa Court Rule 36.18. Rule 34.4(8) is added to clarify application of the public disclosure rule to commission recommendations in cases involving respondents not licensed in Iowa. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.5 Retention of grievance commission records.

- **34.5(1)** The grievance commission must permanently retain the complaint, answer, amendments to the complaint and answer, and the grievance commission recommendation for discipline or other disposition for each grievance case. Grievance commission files and records relating to a grievance complaint otherwise may be destroyed after the death of the respondent. For purposes of this rule, destruction of paper records after the records have been transferred to computer storage is permitted immediately after the transfer.
- **34.5(2)** Notwithstanding any required destruction of documents, the grievance commission will permanently maintain a summary of all grievance matters containing the name of the respondent attorney, the disposition, and the respective dates on which the matter was opened and closed. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.5 formerly appeared as Iowa Court Rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

ATTORNEY DISCIPLINARY BOARD

Rule 34.6 Iowa Supreme Court Attorney Disciplinary Board.

- **34.6(1)** There is hereby created the Iowa Supreme Court Attorney Disciplinary Board (disciplinary board). The disciplinary board consists of nine attorney members and three laypersons appointed by the supreme court. The supreme court will designate one of the attorneys as chair. The disciplinary board may appoint a vice chair who must perform all duties of the chair in the chair's absence or inability to act. The supreme court will accept nominations for appointment to the disciplinary board from any association of attorneys that maintains an office within the State of Iowa or any attorney licensed in Iowa. Members may serve no more than two three-year terms, and no member who has served two full terms is eligible for reappointment. Disciplinary board members are appointed commissioners of the supreme court to initiate or receive and process complaints against any attorney within the jurisdiction of the disciplinary board as described in rule 34.10. Upon completion of any investigation, the board must either dismiss the complaint, admonish or reprimand the attorney, or file and prosecute the complaint before the grievance commission or any grievance commission division. The disciplinary board may additionally refer complaints involving attorneys who are not authorized to practice law in Iowa to the commission on the unauthorized practice of law.
- **34.6(2)** A disciplinary board member must not represent, in any stage of an investigative or disciplinary proceeding, any attorney against whom an ethical complaint is filed. To avoid even the appearance of impropriety, a disciplinary board member should not represent any attorney in any malpractice, criminal, or other matter when it appears that the filing of an ethical complaint against that attorney is reasonably likely. These prohibitions extend to attorneys associated in a firm with a disciplinary board member.
- **34.6(3)** The assistant director for attorney discipline of the office of professional regulation is the principal executive officer of the board. A reference in this chapter to the "assistant director" refers to the assistant director for attorney discipline of the office of professional regulation. The assistant director is responsible to the disciplinary board, to the director of the office of professional regulation, and to the supreme court for proper administration of these rules. Subject to the approval of the supreme court, the disciplinary board may employ such other persons as it deems necessary for the proper administration of this chapter. The assistant director and other disciplinary board employees will receive such compensation and expenses as the supreme court may fix upon recommendation of the director of the office of professional regulation.
- **34.6(4)** The director of the office of professional regulation must, at least 60 days prior to the start of each fiscal year or on a date otherwise specified by the supreme court, submit to the supreme court for its consideration and approval a budget covering the operations of the disciplinary board for the upcoming fiscal year. This budget must include proposed expenditures for staff, support staff, office space, equipment, supplies, and other items necessary to administer the responsibilities of the disciplinary board as set out in this chapter. Supreme court approval of the budget authorizes payment as provided in the budget. A separate bank account designated as the ethics operating account of the disciplinary fund must be maintained for payment of authorized expenditures as provided in the approved budget. Funds derived from the annual disciplinary fee set out in Iowa Court Rule 39.5 must be deposited in the ethics operating account to the extent the supreme court authorizes each year for payment of the disciplinary board's authorized expenditures.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.6 formerly appeared as Iowa Court Rule 35.2. It is amended to delete the requirement for annual designation of the disciplinary board chair. The requirement for an administrative committee for review and submission of the annual disciplinary board budget also is removed. Responsibility for formulation and submission of the annual budget for the disciplinary board is placed with the director of the office or professional regulation, which is consistent with the budget provisions for other boards and commissions of the office of professional regulation in chapter 49 of the Iowa Court Rules. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.7 Disciplinary board advisory opinions prohibited. The disciplinary board must not render advisory opinions, either orally or in writing.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.7 is adapted from rule 4C of the ABA Model Rules for Lawyer Disciplinary Enforcement. The supreme court adopted a similar prohibition for the disciplinary board in 2005. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.8 Retention of disciplinary board records.

34.8(1) The disciplinary board must maintain files and records relating to allegations of misconduct by an attorney until destruction is authorized pursuant to the following schedule:

- a. Files and records relating to potential complaints the assistant director declines to open pursuant to Iowa Court Rule 35.4(1) may be destroyed one year from the date of the last action on the file.
- b. Files and records relating to complaints the disciplinary board dismisses may be destroyed five years from the date of the last action on the file.
- c. All other files and records relating to allegations of respondent misconduct may be destroyed after death of the respondent.
- d. For purposes of this rule, destruction of paper files is permitted immediately after the files have been transferred to computer storage.
- **34.8(2)** Notwithstanding any required destruction of documents, the disciplinary board must permanently maintain a summary of all complaint matters containing the name of the complainant and the respondent, the disposition of the complaint, and the respective dates on which the complaint was opened and closed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 34.8 formerly appeared as Iowa Court Rule 35.29. [Court Order January 26, 2016, effective April 1, 2016]

GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.9 Effective dates. The rules in chapters 34, 35, and 36 of the Iowa Court Rules apply prospectively and retrospectively to all alleged violations, complaints, hearings, and dispositions on which a hearing has not actually commenced before the grievance commission prior to April 1, 2016. [Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.9 formerly appeared as Iowa Court Rule 35.26. It is amended to make clear its application to all three chapters. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.10 Jurisdiction.

- **34.10(1)** Attorneys admitted to practice. Any attorney admitted to practice law in the State of Iowa, including any formerly admitted attorney with respect to acts committed prior to suspension, disbarment, retirement, or transfer to inactive status or with respect to subsequent acts that amount to the practice of law or constitute a violation of the rules of this chapter or of the Iowa Rules of Professional Conduct or of any rules or code the supreme court subsequently adopts in lieu thereof, any attorney an Iowa court specially admits for a particular proceeding, and any attorney not admitted in Iowa who practices law or renders or offers to render any legal services in Iowa is subject to the disciplinary jurisdiction of the Iowa Supreme Court, the disciplinary board, and the grievance commission.
- **34.10(2)** Former judges. A former judge who has resumed the status of an attorney is subject to the jurisdiction of the disciplinary board and the grievance commission not only for conduct as an attorney but also for misconduct that occurred while the attorney was a judge and that would have been grounds for discipline under the rules of professional conduct for attorneys, provided that the misconduct was not the subject of a judicial disciplinary proceeding as to which the Iowa Supreme Court has reached a final determination.
- **34.10(3)** *Incumbent judges.* Incumbent judges are not subject to the jurisdiction of the disciplinary board or the grievance commission. However, if an incumbent judge is to be removed from office in the course of a judicial discipline or disability proceeding, the supreme court will first provide the disciplinary board and the respondent an opportunity to submit a recommendation regarding whether attorney discipline should be imposed, and if so, the extent of the discipline.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 34.10 is adapted from rule 6 of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.11 Reserved.

Rule 34.12 Immunity.

- **34.12(1)** Complaints submitted to the grievance commission or the disciplinary board and testimony regarding the complaints are privileged, and no lawsuit may be based on the complaints or testimony.
- **34.12(2)** Claims against members of the grievance commission, the disciplinary board, the director, assistant directors, or the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.

34.12(3) On application from the disciplinary board or the grievance commission and notice to the appropriate prosecuting authority, the supreme court may grant immunity from criminal prosecution to a witness in a disciplinary or disability proceeding.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rules 34.12(1) and 34.12(2) formerly appeared at Iowa Court Rule 35.24. Rule 34.12(3) is adapted from rule 12B of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.13 Reports. The chair of the grievance commission and the chair of the disciplinary board must, on or before March 1 of each year, submit to the supreme court a consolidated report of the number of complaints received and processed during the prior calendar year, a synopsis of each complaint, and the disposition of the complaint. The name of the attorney charged and the name of the complainant must be omitted.

[Court Order January 26, 2016, effective April 1, 2016; July 24, 2019, effective August 1, 2019] **COMMENT:** Rule 34.13 formerly appeared as Iowa Court Rule 35.25. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.14 Interim suspension for threat of harm.

- **34.14(1)** Upon receipt of evidence demonstrating probable cause that an attorney subject to the disciplinary jurisdiction of the supreme court has committed a violation of the Iowa Rules of Professional Conduct that poses a substantial threat of serious harm to the public, the disciplinary board must do the following:
- a. Transmit the evidence to the supreme court with a verified petition for interim suspension pending formal disciplinary proceedings. The petition must state with particularity the disciplinary rules the attorney is alleged to have violated and the exact nature of the threat of serious harm to the public.
- b. Promptly notify the attorney by any reasonable means that a petition has been filed and provide service of the petition.
- 34.14(2) Upon receipt of the petition and evidence, the supreme court will determine whether the disciplinary board has established by a convincing preponderance of the evidence that a disciplinary violation posing a substantial threat of serious harm to the public exists. If a disciplinary violation is established, the supreme court may enter an order immediately suspending the attorney pending final disposition of a disciplinary proceeding based on the conduct, or the court may order such other action as it deems appropriate. The order may provide that any further proceedings based on the attorney's conduct be expedited. If the supreme court enters a suspension order, the court may direct the chief judge of the judicial district in which the attorney practiced to appoint a trustee under rule 34.18.
- 34.14(3) An attorney suspended pursuant to this rule may file a petition to dissolve or modify the interim suspension order. The attorney must serve the petition on the disciplinary board's counsel and the chief judge of the judicial district in which the attorney practiced. The supreme court will promptly schedule the matter for hearing before one or more justices. The hearing must be set for a date no sooner than seven days after the petition is filed unless both parties and the court agree to an earlier date. At the hearing, the attorney has the burden of demonstrating that the suspension order should be dissolved or modified.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.14 formerly appeared as Iowa Court Rule 35.4. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.15 Suspension on conviction of a crime.

- **34.15(1)** Upon the supreme court's receipt of satisfactory evidence that an attorney has pled guilty or nolo contendere to, or has been convicted of, a crime that would be grounds for license suspension or revocation, the court may temporarily suspend the attorney from the practice of law regardless of the pendency of an appeal. Not fewer than 20 days prior to the effective date of the suspension, the attorney must be notified in writing, directed by restricted certified mail to the attorney's last address as shown by the records accessible to the supreme court, that the attorney has a right to appear before one or more justices of the supreme court at a specified time and at a designated place to show cause why such suspension should not take place. Any hearing will be informal and the strict rules of evidence will not apply. The court's decision may simply state the conclusion and decision of the participating justice or justices and may be orally delivered to the attorney at the close of the hearing or sent to the attorney in written form at a later time.
- 34.15(2) Any attorney suspended pursuant to this rule must refrain during the suspension from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements,

contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. The suspended attorney may, however, act as a fiduciary for an estate, conservatorship, or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

- **34.15(3)** For good cause shown, the supreme court may set aside an order temporarily suspending an attorney from the practice of law as provided above upon the attorney's application and a hearing in accordance with rule 34.25, but such reinstatement does not terminate a pending disciplinary proceeding or bar later proceedings against the attorney.
- **34.15(4)** An attorney temporarily suspended under the provisions of this rule must be promptly reinstated upon the filing of sufficient evidence disclosing that the underlying conviction of a crime has been finally reversed or set aside, but such reinstatement does not terminate a pending disciplinary proceeding or bar later proceedings against the attorney.
- **34.15(5)** The clerk of any court in this state in which an attorney has pled guilty or nolo contendere to or been convicted of a crime as set forth above must, within 10 days, transmit a certified record of the proceedings to the supreme court clerk.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 34.15 formerly appeared as Iowa Court Rule 35.15. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.16 Suspension or disbarment on consent.

- **34.16(1)** An attorney subject to investigation by the disciplinary board or the Client Security Commission or subject to a pending grievance proceeding involving allegations of misconduct subject to disciplinary action may acquiesce to suspension or disbarment but only by filing with the grievance commission an affidavit stating that the attorney consents to suspension of not more than a specific duration or to disbarment. If a grievance proceeding is already scheduled for hearing, any such affidavit must be filed at least 15 days before the scheduled hearing date unless the 15-day limit is waived by the panel president. All affidavits filed under this rule must indicate the following:
- a. The consent is freely and voluntarily given without any coercion or duress and with full recognition of all implications of the consent.
- b. The attorney is aware of a pending investigation or proceeding involving allegations that there exist grounds for discipline, the nature of which will be specifically set forth.
 - c. The attorney acknowledges the material facts of the alleged misconduct are true.
- d. In the event proceedings were instituted upon the matters under investigation, or if existing proceedings were pursued, the attorney could not successfully defend against the allegations.
- e. The facts admitted in the affidavit would likely result in the suspension or revocation of the attorney's license to practice law.
 - f. Any matters in mitigation or aggravation of the alleged misconduct.
 - g. Consent to any alternative or additional sanctions as provided in Iowa Court Rule 36.19.
- 34.16(2) The disciplinary board or Client Security Commission must file a response to the affidavit, indicating whether it believes the misconduct admitted in the affidavit would likely result in suspension or revocation of the attorney's license to practice law and citing any legal authorities supporting its conclusion.
- **34.16(3)** Upon receipt of the affidavit and response, the grievance commission must file the affidavit and response with the supreme court clerk. The supreme court may enter an order suspending the attorney's license to practice law for a period no greater than the stipulated duration or disbarring the attorney on consent, unless the court determines the misconduct admitted in the affidavit is insufficient to support the discipline to which the attorney has consented. The supreme court may also order any of the alternative or additional sanctions to which the respondent has consented. If the supreme court determines the affidavit does not set forth facts that support imposition of the discipline to which the attorney has consented, it may either enter an order allowing the parties to supplement the affidavit or an order declining to accept the affidavit. An order declining to accept the affidavit does not bar further disciplinary proceedings against the attorney, and does not preclude the supreme court from imposing any sanction the attorney's conduct warrants upon review of a grievance commission determination.
- **34.16(4)** Any order suspending or disbarring an attorney on consent is a matter of public record. If the supreme court enters an order of suspension or disbarment, the affidavit and response will be made available to the public upon request.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

COMMENT: Rule 34.16 formerly appeared as Iowa Court Rule 35.16. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.17 Disability suspension.

34.17(1) In the event an attorney is at any time in any jurisdiction duly adjudicated a mentally incapacitated person, or a person with a substance-related disorder, or is committed to an institution or hospital for treatment thereof, the clerk of any court in Iowa in which the adjudication or commitment is entered must, within 10 days, certify the adjudication or commitment to the supreme court clerk.

34.17(2) Upon the filing of an adjudication or commitment certificate or a like certificate from another jurisdiction, upon a supreme court determination pursuant to a sworn application on behalf of a local bar association, or upon a disciplinary board determination that an attorney is not discharging professional responsibilities due to disability, incapacity, abandonment of practice, or disappearance, the supreme court may enter an order suspending the attorney's license to practice law in this state until further order of the court. Not fewer than 20 days prior to the effective date of the suspension, the attorney or the attorney's guardian, and the director of the institution or hospital to which the attorney has been committed, if any, must be notified in writing, directed by restricted certified mail to the attorney's last address as shown in the records accessible to the supreme court, that the attorney has a right to appear before one or more justices of the supreme court at a specified time and place and show cause why such suspension should not take place. Upon a showing of exigent circumstances, emergency, or other compelling cause, the supreme court may reduce or waive the 20-day period and the effective date of action set forth above. Any hearing will be informal and the strict rules of evidence will not apply. The court's decision may simply state the conclusion and decision of the participating justice or justices and may be orally delivered to the attorney at the close of the hearing or sent to the attorney in written form at a later time. A copy of the order must be given to the suspended attorney or to the attorney's guardian and to the director of the institution or hospital to which the suspended attorney has been committed, if any, by restricted mail or personal service as the supreme court may direct.

34.17(3) Upon the voluntary retirement of an Iowa judicial officer for disability under Iowa Code section 602.9112, or upon the involuntary retirement of an Iowa judicial officer for disability under Iowa Code section 602.2106(3)(a), the supreme court may enter an order suspending the retired judicial officer's license to practice law in this state in the event the underlying disability prevents the discharge of an attorney's professional responsibilities. The suspension is effective until further order of the supreme court. A copy of the suspension order must be given to the suspended attorney or to the attorney's guardian and to the director of the institution or hospital to which the suspended attorney is committed, if any, by restricted mail or personal service as the supreme court may direct.

34.17(4) Any attorney suspended pursuant to rule 34.17 must refrain, during the suspension, from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. The suspended attorney may, however, act as a fiduciary for an estate, including a conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

34.17(5) No attorney suspended due to disability under rule 34.17 may engage in the practice of law in this state until reinstated by supreme court order.

34.17(6)

- a. Upon being notified of the suspension of an attorney, the chief judge in the judicial district in which the attorney practiced may appoint an attorney or attorneys to serve as trustee to inventory the attorney's files, sequester client funds, and take any other appropriate action to protect the interests of the attorney's clients and other affected persons. In appointing a trustee, the chief judge will give due regard to any designation or standby nomination made under the provisions of Iowa Court Rule 39.18 and to the recommendation of the office of professional regulation. Any trustee appointment is subject to supreme court confirmation. The appointed attorney serves as a special member of the Client Security Commission for the purposes of the appointment.
- b. While acting as trustee, the trustee must not serve as an attorney for the clients of the suspended attorney or other affected persons. The trustee also must not examine any papers or acquire any information concerning real or potential conflicts with the trustee's clients. Should any such information be acquired inadvertently, the trustee must, as to such matters, protect the privacy interests of the suspended attorney's clients by prompt recusal or refusal of employment.

- c. The trustee may seek reasonable fees and reimbursement of costs of the trust from the suspended attorney. If reasonable efforts to collect such fees and costs are unsuccessful, the trustee may submit a claim for payment from the Clients' Security Trust Fund of the Bar of Iowa. The Client Security Commission, in the exercise of its sole discretion, will determine the merits of the claim and the amount of any payment from the fund.
- d. When the suspended attorney is reinstated to practice law in this state, all pending representation of clients is completed, or the purposes of the trust are accomplished, the trustee must apply to the appointing chief judge for an order terminating the trust.
- e. Trustee fees and expenses paid by the Client Security Commission must be assessed to the suspended attorney by the Client Security Commission and are due upon assessment. Trustee fees and expenses assessed under this rule must be paid as a condition of reinstatement and may be collected by the Client Security Commission as part of the annual statement and assessment required by rule 39.8.
- **34.17(7)** Any suspended attorney is entitled to apply for reinstatement to active status once each year or upon the expiration of such shorter intervals as the supreme court may provide. The supreme court may reinstate an attorney suspended due to disability upon a showing by clear and convincing evidence that the attorney's disability has been removed and the attorney is fully qualified to resume the practice of law. Upon the attorney's filing of an application for reinstatement, the supreme court may take or direct any action deemed necessary or proper to determine whether the suspended attorney's disability has been removed, including an examination of the attorney by qualified medical experts as the supreme court may designate. In its discretion the supreme court may direct that the attorney pay the expenses of the examination.
- **34.17(8)** The filing of an application for reinstatement to active status by an attorney suspended due to disability constitutes a waiver of the doctor-patient privilege regarding any treatment of the attorney during the period of the disability. The attorney must also set forth in the application for reinstatement the name of every psychiatrist, psychologist, physician, hospital, or any other institution by whom or in which the attorney has been examined or treated since the disability suspension. The attorney must also furnish to the supreme court written consent that the psychiatrist, psychologist, physician, hospital, or other institution may divulge any information and records the supreme court or any court-appointed medical experts request.
- **34.17(9)** When an attorney has been suspended due to disability and thereafter the attorney is judicially held to be competent or cured, the supreme court may dispense with further evidence regarding removal of the disability and may order reinstatement to active status upon such terms as the court deems reasonable.

[Court Order January 26, 2016, effective April 1, 2016; November 18, 2016, effective December 25, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

COMMENT: Rule 34.17 formerly appeared as Iowa Court Rule 35.17. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.18 Death, suspension, or disbarment of practicing attorney.

- **34.18(1)** Upon a sworn application on behalf of a local bar association, an attorney or entity designated or nominated on a standby basis as described in Iowa Court Rule 39.18, the Client Security Commission, or the disciplinary board showing that a practicing attorney has died or has been suspended or disbarred from the practice of law and that a reasonable necessity exists, the chief judge in the judicial district in which the attorney practiced may appoint an attorney to serve as trustee to inventory the attorney's files, sequester client funds, and take any other appropriate action to protect the interests of the attorney's clients and other affected persons. In appointing a trustee, the chief judge will give due regard to any designation or standby nomination made under the provisions of rule 39.18 and the recommendation of the office of professional regulation. Trusteeships are specially assigned to the appointing chief judge, who will hear and rule upon all matters therein. The appointment is subject to supreme court confirmation. The appointed attorney serves as a special member of the Client Security Commission for the purposes of the appointment.
- **34.18(2)** While acting as trustee, the trustee must not serve as an attorney for the clients of the disabled attorney or other affected persons. The trustee also must not examine any papers or acquire any information concerning real or potential conflicts with the trustee's clients. If the trustee acquires such information inadvertently, the trustee must, as to such matters, protect the privacy interests of the suspended attorney's clients by prompt recusal or refusal of employment.

- **34.18(3)** A trustee who seeks compensation for services rendered must first seek reasonable fees and reimbursement of costs of the trust from the deceased attorney's estate or the attorney whose license to practice law has been suspended or revoked. If reasonable efforts to collect such fees and costs are unsuccessful, the trustee may submit a claim for payment from the Clients' Security Trust Fund of the Bar of Iowa. The Client Security Commission, in the exercise of its sole discretion, must determine the merits of the claim and the amount of any payment from the fund.
- **34.18(4)** When all pending representation of clients is completed or the purposes of the trust are accomplished, the trustee must apply to the appointing chief judge for an order terminating the trust.
- **34.18(5)** Trustee fees and expenses paid by the Client Security Commission must be assessed to the deceased, suspended, relinquished, or disbarred attorney by the Client Security Commission and are due upon assessment. Trustee fees and expenses assessed under this rule must be paid as a condition of reinstatement and may be collected by the Client Security Commission as part of the annual statement and assessment required by Iowa Court Rule 39.8.

[Court Order January 26, 2016, effective April 1, 2016; November 18, 2016, effective December 25, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

COMMENT: Rule 34.18 formerly appeared as Iowa Court Rule 35.18. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.19 Reciprocal discipline.

- **34.19(1)** Any attorney admitted to practice in this state, upon being subjected to professional disciplinary action in another jurisdiction or in any federal court, must promptly advise the disciplinary board in writing of such action. Upon being informed that an attorney admitted to practice in this state has been the subject of professional discipline in another jurisdiction or any federal court, the disciplinary board must obtain a certified copy of such disciplinary order and file it in the office of the supreme court clerk.
- 34.19(2) Upon receipt of a certified copy of an order disclosing that an attorney admitted to practice in this state has been disciplined in another jurisdiction or any federal court, the supreme court will promptly give notice of the discipline by restricted certified mail or personal service directed to the attorney containing: a copy of the disciplinary order from the other jurisdiction or federal court and an order directing that the disciplined attorney file in the supreme court, within 30 days after receipt of the notice, any objection that imposition of identical discipline in this state would be too severe or otherwise unwarranted, giving specific reasons. A like notice will be sent, by ordinary mail, to the disciplinary board, which has the right to object on the ground that the imposition of identical discipline in this state would be too lenient or otherwise unwarranted. If either party objects to imposition of identical discipline, the matter will be set for hearing before three or more justices of the supreme court, and the parties will be notified by restricted certified mail at least 10 days prior to the date set. At the hearing, a certified copy of the testimony, transcripts, exhibits, affidavits, and other matters introduced into evidence in the other jurisdiction or federal court must be admitted into evidence as well as any findings of fact, conclusions of law, decisions, and orders. Any such findings of fact are conclusive and not subject to readjudication. The supreme court may enter such findings, conclusions, and orders that it deems appropriate.
- **34.19(3)** If neither party objects within 30 days from service of the notice, the supreme court may impose the identical discipline, unless the court finds that on the face of the record upon which the discipline is based it clearly appears that any of the following are true:
- a. The disciplinary procedure was so lacking in notice and opportunity to be heard as to constitute a deprivation of due process.
- b. There was such infirmity of proof establishing misconduct as to give rise to the clear conviction that the supreme court could not, conscientiously, accept as final the conclusion on that subject.
 - c. The misconduct established warrants substantially different discipline in this state.
- **34.19(4)** If the supreme court determines that any such factors exist, it may enter an appropriate order. Rule 34.25 applies to any subsequent reinstatement or reduction or stay of discipline. [Court Order January 26, 2016, effective April 1, 2016]
 - COMMENT: Rule 34.19 formerly appeared as Iowa Court Rule 35.19. [Court Order January 26, 2016, effective April 1, 2016]

- Rule 34.20 Suspension of attorney's license for failure to comply with a child support order. An attorney who fails to comply with a child support order may be subject to a suspension of the attorney's license to practice law in Iowa.
- **34.20(1)** *Procedure.* Any certificate of noncompliance with a child support order that involves an attorney must be filed by the Child Support Recovery Unit (CSRU) with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the director or an assistant director of the office of professional regulation of the supreme court must issue a notice to the attorney. The notice will be sent to the attorney's address on file with the office of professional regulation. The following rules apply and must be recited in the notice:
- a. The attorney's license to practice law will be suspended unless the attorney causes the CSRU to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.
- b. The attorney may challenge the CSRU's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the county in which the underlying child support order is filed.
- c. The attorney must file the application for hearing with the district court clerk within 30 days of the date of issuance of the notice and must provide copies of the application to the CSRU and the office of professional regulation by regular mail.
- d. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.
- e. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.20(2) District court hearing.

- a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the CSRU, and the office of professional regulation.
- b. Prior to the hearing, the district court must receive a certified copy of the CSRU's written decision and certificate of noncompliance from the CSRU and a certified copy of the notice from the office of professional regulation.
- c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.
- d. The district court's scope of review is limited to determining if there has been a mistake of fact relating to the attorney's child support delinquency. The court will not consider visitation or custody issues and will not modify the child support order.
- e. If the district court concludes the CSRU erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of certificate of noncompliance, the district court will order the CSRU to file a withdrawal of certificate of noncompliance with the office of professional regulation.
- **34.20(3)** *Noncompliance certificate withdrawn.* If the CSRU files a withdrawal of certificate of noncompliance, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.
- **34.20(4)** Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the director of the office of professional regulation is authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify attorneys subject to enforcement under Iowa Code chapter 252J or 598.

[Court Order January 26, 2016, effective April 1, 2016; July 24, 2019, effective August 1, 2019]

COMMENT: Rule 34.20 formerly appeared as Iowa Court Rule 35.20. [Court Order January 26, 2016, effective April 1, 2016]

- Rule 34.21 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. An attorney who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission (aid commission) may be subject to suspension of the attorney's license to practice law in Iowa.
- **34.21(1)** *Procedure.* The aid commission must file any certificate of noncompliance that involves an attorney with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the director or an assistant director of the office of professional regulation must issue a notice to the attorney. The notice will be sent to the attorney's

address on file with the office of professional regulation. The following rules apply and must be recited in the notice:

- a. The attorney's license to practice law will be suspended unless the attorney causes the aid commission to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.
- b. The attorney must contact the aid commission to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.
- c. The attorney may challenge the aid commission's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the attorney's county of residence.
- d. The attorney must file the application for hearing with the district court clerk within 30 days of the date of issuance of the notice must provide copies of the application to the aid commission and the office of professional regulation by regular mail.
- e. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.
- f. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.21(2) District court hearing.

- a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the aid commission, and the office of professional regulation.
- b. Prior to the hearing, the district court must receive a certified copy of the aid commission's written decision, a certificate of noncompliance from the commission, and a certified copy of the notice from the office of professional regulation.
- c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.
- d. The district court's scope of review is limited to determining if there has been a mistake of fact relating to the attorney's delinquency.
- e. If the district court concludes the aid commission erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court will order the aid commission to file a withdrawal of the certificate of noncompliance with the office of professional regulation.
- **34.21(3)** *Noncompliance certificate withdrawn.* If the aid commission files a withdrawal of certificate of noncompliance, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019]

COMMENT: Rule 34.21 formerly appeared as Iowa Court Rule 35.21. [Court Order January 26, 2016, effective April 1, 2016]

- Rule 34.22 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. An attorney who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU) may be subject to suspension of the attorney's license to practice law in Iowa.
- **34.22(1)** *Procedure.* The CCU must file any certificate of noncompliance that involves an attorney with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the director or an assistant director of the office of professional regulation must issue a notice to the attorney. The notice will be sent to the attorney's address on file with the office of professional regulation. The following rules apply and must be recited in the notice:
- a. The attorney's license to practice law will be suspended unless the attorney causes the CCU to file a withdrawal of the certificate of noncompliance within 30 days of the date of issuance of the notice.
- b. The attorney must contact the CCU to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.

- c. The attorney may challenge the CCU's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the county where the majority of the liability was incurred.
- d. The attorney must file the application for hearing with the clerk of the district court within 30 days of the date of issuance of the notice and must provide copies of the application to the CCU and the office of professional regulation by regular mail.
- e. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.
- f. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.22(2) *District court hearing.*

- a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the CCU, and the office of professional regulation.
- b. Prior to the hearing, the district court must receive a certified copy of the CCU's written decision and certificate of noncompliance from the CCU and a certified copy of the notice from the office of professional regulation.
- c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.
- d. The district court's scope of review is limited to demonstration of the amount of the liability owed or the identity of the person.
- e. If the district court concludes the CCU erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court will order the CCU to file a withdrawal of the certificate of noncompliance with the office of professional regulation.
- **34.22(3)** *Noncompliance certificate withdrawn.* If a withdrawal of the certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.
- **34.22(4)** Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the director of the office of professional regulation is authorized to share information with the CCU for the sole purpose of allowing the CCU to identify attorneys subject to enforcement under Iowa Code chapter 272D.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019]

COMMENT: Rule 34.22 formerly appeared as Iowa Court Rule 35.22. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.23 Suspension generally.

- **34.23(1)** In the event the supreme court suspends an attorney's license to practice law, the suspension continues for the minimum time specified in such order and until the supreme court approves the attorney's written application for reinstatement, if such application is required. In the order of suspension or by order at any time before reinstatement, the supreme court may require the suspended attorney to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination.
- **34.23(2)** An attorney whose license has been suspended for a period not exceeding 60 days is not required to file an application for reinstatement, and the court will order reinstatement of the attorney's license on the day after the suspension period expires, subject to the following exceptions:
- a. The disciplinary board or Client Security Commission may file and serve within the suspension period an objection to the automatic reinstatement of the attorney. The filing of an objection stays the automatic reinstatement until the supreme court orders otherwise. If the disciplinary board or Client Security Commission files an objection, the supreme court will set the matter for hearing and the supreme court clerk must enter written notice in conformance with rule 34.25, except that the court may waive the requirement of a 60-day waiting period prior to the hearing date.
- b. Automatic reinstatement will not be ordered until all costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of rules 39.14(2), 39.17, and 41.10(2) are completed.
- **34.23(3)** Any attorney suspended must refrain during such suspension from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate

transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. Such suspended attorney may, however, act as a fiduciary for an estate, including a conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

- **34.23(4)** Nothing in this rule precludes an attorney, law firm, or professional association from employing a suspended attorney to perform such limited services as laypersons may ethically perform under all of the following conditions:
- a. Notice of employment, together with a full job description, must be provided by the employer and suspended attorney to the disciplinary board before employment commences.
- b. The employer and suspended attorney must verify and submit informational reports quarterly to the disciplinary board certifying that no aspect of the suspended attorney's work has involved the unauthorized practice of law.
- c. A suspended attorney must not have direct or personal association with any client and must not disburse or otherwise handle funds or property of a client.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

COMMENT: Rule 34.23 formerly appeared as Iowa Court Rule 35.13. Rule 34.23(2) is amended from former rule 35.13(2) to make clear that satisfaction of reinstatement requirements with the Commission on Continuing Legal Education and the Client Security Commission is a condition precedent to automatic reinstatement, as it is for reinstatement upon application. The rule also is amended to require curtailment of advertising, to the extent possible, during the period of suspension. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.24 Notification of clients and counsel.

- **34.24(1)** In every case in which an attorney is ordered to be disbarred or suspended, the attorney must do all of the following:
- a. Within 15 days notify in writing the attorney's clients in all pending matters of the need to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.
- b. Within 15 days deliver to all clients represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place for obtaining the papers and other property, calling attention to any urgency for obtaining the papers or other property.
 - c. Within 30 days refund any part of any fees paid in advance that have not been earned.
- d. Within 15 days notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties of the attorney's disbarment or suspension and consequent disqualification to act as an attorney after the effective date of such discipline or transfer to disability inactive status.
- e. Within 15 days file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.
 - f. Keep and maintain records of the steps taken to accomplish the foregoing.
- g. Within 30 days file with the disciplinary board copies of each notice sent pursuant to the requirements of this rule and proof of complete performance of the requirements. This is a condition for reinstatement to practice.
- **34.24(2)** The times set forth in rules 34.24(1)(c) and 34.24(1)(g) are reduced to 15 days for respondents who are exempted from filing an application for reinstatement under rule 34.23. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] **COMMENT:** Rule 34.24 formerly appeared as Iowa Court Rule 35.23. [Court Order January 26, 2016, effective April 1, 2016]

REINSTATEMENT AND READMISSION

Rule 34.25 Procedure on application for reinstatement or readmission. Any person whose certificate to practice law in this state has been suspended or revoked may apply for reinstatement or readmission subject to the following rules.

34.25(1) *Application*.

- a. A proceeding for reinstatement to the practice of law in Iowa must be commenced by written application to the supreme court filed with the supreme court clerk not more than 60 days prior to expiration of the suspension period.
- b. The application must state the date of the applicant's original admission, the date and duration of suspension, and that the applicant has complied in all respects with any orders or judgments of the supreme court relating to the suspension.

- c. The application must be verified by the oath of the applicant as to the truth of the statements made in the application.
- d. The applicant must also submit to the supreme court satisfactory proof that the applicant, at the time of the application, is of good moral character and in all respects worthy of the right to practice law. The application must be accompanied by the recommendation of at least three reputable attorneys currently practicing law in the judicial district in which the applicant then lives and has lived at least one year prior to filing the application. If the applicant does not reside in the district in which the applicant lived at the time of the suspension, the applicant must also file a recommendation from three attorneys in good standing and currently practicing law in the district where the applicant resided at the time of suspension. The required recommendations may not be from judges or magistrates.
- e. The applicant must also submit satisfactory proof that the applicant, at the time of the application, has filed all reports, paid all fees, and completed all continuing legal education requirements of chapters 39, 41, and 42 of the Iowa Court Rules.
- f. The applicant must submit satisfactory proof that the Clients' Security Trust Fund of the Bar of Iowa is repaid in full for all client security conduct or that the Client Security Commission has approved a repayment plan.
- **34.25(2)** *Procedure.* Upon filing of the application and recommendations with the supreme court clerk, the clerk must give written notice containing the date of the suspension, the date of filing the application, and the date of the hearing set by the supreme court, which will be at least 60 days after the filing of such application for reinstatement, to the following persons:
 - a. The attorney general.
 - b. The county attorney where the applicant resides.
 - c. The county attorney where the applicant resided at the time of suspension.
 - d. The chair of the Iowa Board of Law Examiners.
 - e. The assistant director for attorney discipline of the office of professional regulation.
 - f. Each judge of the district in which the applicant resided at the time of suspension.
 - g. The president of a local bar association where the applicant resides.
- h. The president of a local bar association where the applicant resided when the certificate was suspended.
 - *i.* The president of The Iowa State Bar Association.
- **34.25(3)** Written statements. After receipt of the notice and before the date fixed for hearing, the persons provided notice in rule 34.25(2) may submit to the supreme court clerk written statements of fact and comments regarding the current fitness of the applicant to practice law.
- **34.25(4)** *Notices of witnesses and exhibits.* At least 14 days prior to the scheduled hearing date, the applicant and the disciplinary board must provide notice to the court and the opposing party of the names and expected testimony of any witnesses they intend to produce and must file and serve copies of any exhibits they intend to introduce at the hearing. The opposing party must provide notice of any rebuttal witnesses or exhibits no later than 7 days prior to the scheduled hearing date. The supreme court may waive these deadlines only upon good cause shown.
- **34.25(5)** Hearing. The reinstatement hearing will be held at the time and place the supreme court designates. The applicant bears the burden of demonstrating that the applicant is of good moral character, is fit to practice law, and has complied in all respects with the terms of the order or judgment of suspension. The hearing will be public unless the supreme court orders otherwise upon motion of a party. The hearing will be informal and the strict rules of evidence will not apply. The supreme court may impose reasonable time limits on the length of the hearing.
- **34.25(6)** *Decision.* The supreme court will issue its decision as soon as practicable after the hearing. The supreme court may require the applicant to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination.
- **34.25(7)** Readmission after revocation. In the event the supreme court revokes an attorney's license to practice law, the attorney is not eligible to apply for readmission until at least five years after the date of revocation. For purposes of rule 34.25, "revoked attorney" includes an attorney whose license to practice law has been revoked or an attorney who has been disbarred. Similarly, "revocation" includes "disbarment" and "revoked" includes "disbarred."
 - **34.25(8)** *Pre-filing requirements.* Prior to filing the application, the revoked attorney must:
- a. File the attorney's character and fitness application with the National Conference of Bar Examiners (NCBE) and pay the NCBE's application fee.
 - b. Pay an administrative fee of \$525 to the Iowa Board of Law Examiners.

- **34.25(9)** Filing and contents of application. A revoked attorney's application for readmission must:
 - a. Be filed with the supreme court clerk and be served on the Iowa Board of Law Examiners.
- b. State the date of the applicant's original admission, the date of revocation, and that the applicant has complied in all respects with rule 34.24 and any supreme court orders or judgments relating to the revocation.
- c. Include satisfactory proof that the applicant is of good moral character and is in all respects worthy of readmission to the bar. The applicant must provide a detailed affidavit describing the applicant's personal, educational, and work history since the date of revocation. The application must be accompanied by the recommendation of at least three reputable attorneys currently practicing law in the judicial district in which the applicant then lives and has lived at least one year prior to filing the application. If the applicant does not reside in the district in which the applicant lived at the time of the revocation, the applicant must also file a recommendation from three reputable attorneys currently practicing law in the district where the applicant resided at the time of revocation. The required recommendations may not be from judges or magistrates.
- d. Include satisfactory proof that the applicant, at the time of the application, has paid all fees required by the provisions of chapters 39, 41, and 42 of the Iowa Court Rules.
- e. Include satisfactory proof that the Client Security Trust Fund has been repaid in full, or that the Client Security Commission has approved a repayment plan, for all client security claim payments paid from the Client Security Trust Fund under Iowa Court Rule 39.9 based on the applicant's conduct.
- f. Include satisfactory proof that the applicant, at the time of the application, has paid all costs assessed against the applicant under rule 36.24.
- **34.25(10)** *Iowa Board of Law Examiners' report.* After the application for readmission is filed with the supreme court clerk, the Iowa Board of Law Examiners will file a report and recommendation with the supreme court regarding the applicant's character and fitness.
- **34.25(11)** Supreme court actions on application. Upon review of the application for readmission from a revoked attorney, the supreme court may summarily deny the application, request further information, or set a hearing date and direct the supreme court clerk to give the notice provided under rule 34.25(12). The court may appoint a special master or a hearing panel to conduct the hearing. The hearing date must in no case be fewer than 60 days after the filing of the application for readmission. Any order denying readmission may state whether the attorney is allowed to file a future application and, if so, the minimum amount of time before the application may be filed.
- **34.25(12)** *Procedure.* Upon direction of the supreme court, the supreme court clerk must give written notice of the revoked attorney's application for readmission containing the date of the revocation, the date of filing the application, and the date of the hearing set by the court, if any, to the following persons:
 - a. The attorney general.
 - b. The county attorney where the applicant resides.
 - c. The county attorney where the applicant resided at the time of revocation.
 - d. The chair of the Iowa Board of Law Examiners.
 - e. The assistant director for attorney discipline of the office of professional regulation.
 - f. Each judge of the district in which the applicant resided at the time of revocation.
 - g. The president of a local bar association where the applicant resides.
 - h. The president of a local bar association where the applicant resided at the time of revocation.
 - i. The president of The Iowa State Bar Association.
- **34.25(13)** Written statements. Such persons, after receipt of the notice and before the date fixed for hearing, may submit to the supreme court clerk written statements of fact and comments regarding the applicant's current fitness to practice law.
- **34.25(14)** *Notices of witnesses and exhibits.* At least 14 days prior to the scheduled hearing date, the applicant and the disciplinary board must provide the supreme court or the special master or hearing panel, if applicable, and the opposing party notice of the names and expected testimony of any witnesses they intend to produce, and they must file and serve copies of any exhibits they intend to introduce at the hearing. The parties may provide notice of any rebuttal witnesses or exhibits no later than 7 days prior to the scheduled hearing date. The court, or the special master or hearing panel, if applicable, may waive these deadlines only upon good cause shown.
- **34.25(15)** Hearing. The readmission hearing will be held at the time and place the supreme court designates. The applicant bears the burden of demonstrating that the applicant is of good moral

character, is fit to practice law, and has complied in all respects with the terms of the order or judgment of revocation. The hearing will be public unless the supreme court orders otherwise upon motion of a party. The hearing will be informal, and strict rules of evidence will not apply. The supreme court may impose reasonable time limits on the length of the hearing. The hearing must be recorded.

34.25(16) *Decision*.

- a. The supreme court's decision will be determined by majority vote of those justices participating in the proceeding. Any special master or hearing panel appointed to conduct a hearing must file a report containing findings of fact with the supreme court clerk within 30 days after the hearing. The court's review of the record made before the special master or hearing panel will be de novo. An attorney's readmission to practice in another jurisdiction following revocation in Iowa is not binding on the decision of the supreme court on any application for readmission to practice in Iowa. The decision rests in the sole discretion of the supreme court.
- b. The supreme court in its discretion may place conditions on readmission, including, but not limited to, passing the Iowa bar examination. If the supreme court does not require the applicant to pass the bar examination, it will impose a requirement that the applicant must report up to 100 hours of continuing legal education. If the applicant refuses or fails to perform any of the conditions, the court may enter an order summarily denying the application or revoking the attorney's license, if admitted, without further hearing. The applicant must post a scaled score of at least 80 on the Multistate Professional Responsibility Exam (MPRE) as a condition of readmission. The MPRE score must be from a test taken no longer than three years prior to the date of filing of the application for readmission. An applicant may take the MPRE after the court's readmission decision, but the attorney will not be readmitted until the required score is filed.
- **34.25(17)** Applicability of rules to attorneys permanently enjoined from practicing law in *Iowa*. Rules 34.25(7) through 34.25(16) also apply to attorneys not licensed in Iowa whom the Iowa Supreme Court has enjoined from practicing law in Iowa on a permanent basis. Such attorneys who seek to have the injunction lifted must follow the procedures set forth for revoked attorneys in those rules, and their applications will be processed in the same manner.
- **34.25(18)** Denial of reinstatement for failure to comply with a child support order. An attorney who fails to comply with a child support order may be denied reinstatement of the attorney's license to practice law in Iowa.
- a. Procedure. The Child Support Recovery Unit (CSRU) may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.20(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.20(2) governs all matters pertaining to the hearing.
- c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.
- d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the director of the office of professional regulation are authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify licensees subject to enforcement under Iowa Code chapter 252J or 598.
- **34.25(19)** Denial of reinstatement for default on student loan obligation. An attorney who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission (aid commission) may be denied reinstatement of the attorney's license to practice law in Iowa.
- a. Procedure. The aid commission may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.21(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.21(2) governs all matters pertaining to the hearing.
- c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if

necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.

- **34.25(20)** Denial of reinstatement for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. An attorney who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU) may be denied reinstatement of the attorney's license to practice law in Iowa.
- a. Procedure. The CCU may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.22(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.
- b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.22(2) governs all matters pertaining to the hearing.
- c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019]

COMMENT: Rule 34.25 formerly appeared as Iowa Court Rule 35.14. [Court Order January 26, 2016, effective April 1, 2016]

CHAPTER 35 IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD RULES OF PROCEDURE

Rule 35.1	Complaints			
Rule 35.2	Form of complaint			
Rule 35.3	Filing			
Rule 35.4	Procedure upon receipt of complaint			
Rule 35.5	Notification of complainant			
Rule 35.6	Notification of respondent; response			
Rule 35.7	Failure to respond; notice; effect			
Rule 35.8	Disciplinary board actions upon receipt of response			
Rule 35.9	Disciplinary board action upon report and recommendation of			
	investigator			
Rule 35.10	Prior notice of witnesses			
Rule 35.11	Hearing-meetings			
Rule 35.12	Reprimand			
Rule 35.13	Order for mental or physical examination or treatment			
Rule 35.14	Deferral of further proceedings			
Rule 35.15	Forms			
	Form 1: Iowa Supreme Court Attorney Disciplinary Board			
	Complaint Form			

CHAPTER 35 IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD RULES OF PROCEDURE

Rule 35.1 Complaints. Complaints alleging that an attorney has committed a disciplinary infraction must be accepted from any person, firm, or other entity. The Iowa Supreme Court Attorney Disciplinary Board (disciplinary board) may, upon its own motion, initiate any investigation or disciplinary action.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.1 substantially appeared as former Iowa Court Rule 34.1. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.2 Form of complaint. Complaint forms, found in rule 35.15, must be available to the public from the disciplinary board. Complaints must be certified under penalty of perjury, except when filed by an officer of the court, and may include whatever supporting documents the complainant desires to submit.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.2 formerly appeared as Iowa Court Rule 34.2. It is amended to conform an internal reference to the new rule numbers, and to reflect actual practice with respect to dissemination of complaint forms. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.3 Filing. Complaints must be filed, without charge, with the disciplinary board.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.3 formerly appeared as Iowa Court Rule 34.3. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.4 Procedure upon receipt of complaint.

- 35.4(1) Upon receiving a complaint, the assistant director for attorney discipline must evaluate all information coming to his or her attention from the complaint or from any other sources alleging attorney misconduct or incapacity. The assistant director is authorized to decline to open an investigation of a complaint if the information, if true, would not constitute misconduct or incapacity or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, outside the disciplinary board's jurisdiction, or does not otherwise reasonably warrant investigation. The disciplinary board may adopt policies to guide the assistant director in the exercise of this authority.
- **35.4(2)** The disciplinary board must make a record indicating the date on which the complaint was filed, the name and address of the complainant, the name and address of the respondent, and a brief statement of the charges made. This record ultimately must show the final disposition of the matter when it is completed.
- **35.4(3)** The disciplinary board must keep all files confidential, unless the board chair or the chair's designee otherwise provides or directs in writing for disciplinary purposes or pursuant to a specific supreme court rule. All files must be available for examination and reproduction by the designated officer or agent of the Client Security Commission, pursuant to proceedings under chapter 39 of the Iowa Court Rules.
- **35.4(4)** Any such files, except for the work product of staff counsel, investigators, or assistant directors of the disciplinary board, must be provided to the respondent within a reasonable time upon the respondent's request. For purposes of this rule, "work product" does not include a written statement signed or otherwise adopted or approved by the person making it or a contemporaneous and substantially verbatim transcript or recording of a person's oral statement.
- **35.4(5)** A potential complaint declined pursuant to this rule may not be deemed a complaint for any purpose. A potential complaint declined pursuant to this rule will not be docketed under rule 35.4(2), and the disciplinary board or the respondent must not report or disclose the complaint to any person or authority for any reason.
- **35.4(6)** A true copy of any complaint against a current member of the grievance commission or the disciplinary board involving alleged violations of an attorney's oath of office or of the Iowa Rules of Professional Conduct or laws of the United States or State of Iowa must be promptly forwarded to the Chief Justice of the Iowa Supreme Court.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rules 35.4(1) through 35.4(5) formerly appeared at Iowa Court Rule 34.4. Rule 35.4(6) formerly appeared as Iowa Court Rule 35.24(3). Rule 35.4 is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.5 Notification of complainant. Upon receipt of any complaint, the disciplinary board must notify the complainant in writing that the board has received the complaint and will act upon it or that pursuant to rule 35.4(1) the board will take no action on the complaint. [Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.5 formerly appeared as Iowa Court Rule 34.5. It is amended to conform an internal rule reference to the new rule numbers, and the rule title is changed to more accurately describe this step in disciplinary board procedure. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.6 Notification of respondent; response.

- **35.6(1)** The disciplinary board must forward to the respondent a copy of the complaint and copies of chapters 35 and 36 of the Iowa Court Rules. However, if a potential complaint is declined pursuant to rule 35.4(1), the disciplinary board need not notify the respondent and no response is required.
- 35.6(2) The disciplinary board may forward the complaint to the respondent by restricted certified mail, marked "Confidential," to the respondent's last address as shown by records accessible to the supreme court, or the board may serve the complaint by personal service in the manner of an original notice in civil suits.
- 35.6(3) If service cannot be obtained pursuant to rule 35.6(2), the disciplinary board may serve the complaint on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa's disciplinary authority. Iowa R. Prof'l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be receipt of the complaint by the respondent. Simultaneously with serving a complaint on the supreme court clerk, the disciplinary board must forward the complaint to the respondent by restricted certified mail, marked "Confidential," to the respondent's last address as shown by records accessible to the supreme court, and the board must file with the supreme court clerk an affidavit attesting that it has done so.
- **35.6(4)** The respondent must provide a written response within 20 days of receipt of the complaint. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] **COMMENT:** Rule 35.6 formerly appeared as Iowa Court Rule 34.6. It is amended to conform internal references to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.7 Failure to respond; notice; effect.

- 35.7(1) Failure to respond—separate ethical violation. If after 20 days no response has been received, the respondent must be notified by restricted certified mail that unless a response is made within 10 days from receipt of notice, the disciplinary board may file a complaint with the Grievance Commission of the Supreme Court of Iowa (grievance commission) for failure to respond and concerning all or any portion of the matter about which the original complaint was made. If service cannot be obtained by restricted certified mail, the disciplinary board may serve the notice on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa's disciplinary authority. Iowa R. of Prof'l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be receipt of the notice by the respondent.
- **35.7(2)** Enlargement of time to respond. The disciplinary board may grant an enlargement of time to respond under rule 35.6 or 35.7(1) for good cause shown.
- **35.7(3)** Failure to respond—temporary suspension. If a response is not provided within 10 days of receipt of the notice issued pursuant to rule 35.7(1) or within the time allowed under rule 35.7(2), the disciplinary board must certify the respondent's failure to respond to the supreme court clerk.
- a. Upon receipt of the disciplinary board's certificate, the supreme court clerk must issue a notice to the attorney that the attorney's license to practice law will be temporarily suspended unless the attorney causes the board to file a withdrawal of the certificate within 20 days of the date of issuance of the clerk's notice.
- b. If the attorney responds to the complaint within the 20-day period, the disciplinary board must immediately withdraw the certificate and no suspension will occur.
- c. If the disciplinary board has not withdrawn the certificate and the 20-day notice period expires, the court will enter an order temporarily suspending the attorney's license to practice law in the State of Iowa.
- d. If the attorney responds to the complaint after a temporary suspension order is entered, the disciplinary board must, within five days of receiving the response, either withdraw the certificate or file with the supreme court a report indicating that the attorney has responded but stating cause why the attorney's license should not be reinstated and the suspension should be continued under the provisions of Iowa Court Rule 34.14, 34.15, or 34.16.

- e. If the disciplinary board seeks to continue the suspension under the provisions of Iowa Court Rule 34.14, 34.15, or 34.16, the supreme court will either reinstate the attorney or enter an appropriate order under the applicable rule.
- f. If the disciplinary board files a withdrawal of the certificate after temporary suspension of the attorney's license, the supreme court will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible under the rules of the court.
- g. During the initial 30 days of a temporary suspension under this rule, the attorney must give the notice Iowa Court Rule 34.24 requires to those clients whose interests may be adversely affected by the attorney's suspension.
- h. When the suspension period under this rule exceeds 30 days, the attorney must comply with the requirements of Iowa Court Rule 34.24 as to all clients.
- *i.* An attorney whose license is suspended under the provisions of rule 35.7(3)(*c*) must pay a fee of \$100 to the office of professional regulation as a condition precedent to reinstatement. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.7 formerly appeared as Iowa Court Rule 34.7. It is amended to conform internal references to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.8 Disciplinary board actions upon receipt of response.

- 35.8(1) Upon receipt of a response, the disciplinary board must do one of the following:
- a. Dismiss the complaint and notify the complainant and the respondent of the dismissal in writing.
- b. Cause the case to be docketed for disciplinary board consideration at its next hearing-meeting.
- c. Arrange for the disciplinary board's counsel or another entity to investigate the complaint as the board chair or the chair's designee deems appropriate.
- (1) All investigations done by a person or entity other than the disciplinary board's counsel or its in-house staff must be done in a manner as directed by and under the supervision of the board.
- (2) The results of the investigation must be forwarded to the disciplinary board with any recommendation for the board's final action.
- 35.8(2) The disciplinary board has subpoen power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person or entity designated to conduct the investigation on behalf of the board.
- **35.8(3)** The disciplinary board chair, or any other board member in the absence of the chair, has authority to issue subpoenas.
- **35.8(4)** The district court for the county in which the investigation is being conducted has jurisdiction over any objection or motion relating to a subpoena, and it has authority to punish disobedience of a subpoena in a contempt proceeding.
- **35.8(5)** The board's counsel or any other person authorized to administer oaths has authority to administer an oath or affirmation to a witness.
- [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] **COMMENT:** Rule 35.8 formerly appeared as Iowa Court Rule 34.8. [Court Order January 26, 2016, effective April 1, 2016]
- Rule 35.9 Disciplinary board action upon report and recommendation of investigator. When the report and recommendation of the investigator is returned to the disciplinary board, the board must do one of the following:
 - 35.9(1) Dismiss the complaint and notify the complainant and the respondent of the dismissal.
- **35.9(2)** Cause the case to be docketed for consideration at its next hearing-meeting. [Court Order January 26, 2016, effective April 1, 2016]
 - COMMENT: Rule 35.9 formerly appeared as Iowa Court Rule 34.9. [Court Order January 26, 2016, effective April 1, 2016]
- **Rule 35.10 Prior notice of witnesses.** If any witness or party is required to give testimony before the disciplinary board, the witness or party must be given at least seven days' written notice in advance of the hearing-meeting at which the witness or party is required to attend and testify. [Court Order January 26, 2016, effective April 1, 2016]
 - COMMENT: Rule 35.10 formerly appeared as Iowa Court Rule 34.10. [Court Order January 26, 2016, effective April 1, 2016]
- Rule 35.11 Hearing-meetings. The disciplinary board must hold hearing-meetings at least quarterly and may hold them telephonically. A majority of the disciplinary board constitutes a quorum. The chair, or the chair's designee, must see to the preparation of a record of hearing-meetings, which becomes a part of the permanent files of the supreme court. Any evidence must be taken under oath

or affirmation and may be made of record. Upon completion of the consideration of any matter before the disciplinary board, the members, by majority vote of those present, must do one of the following:

- **35.11(1)** Continue the matter.
- 35.11(2) Dismiss the complaint and notify the complainant and the respondent of the dismissal.
- 35.11(3) Admonish the respondent, who must be notified in writing that the respondent has 30 days from the date of mailing to file an exception with the assistant director for attorney discipline, who upon receipt of the exception must then return the admonition to the disciplinary board. The disciplinary board may dismiss, admonish, reprimand, or file a formal complaint with the grievance commission. In cases of admonition, the disciplinary board must notify the complainant of the board's opinion concerning the matter and its communication with the attorney involved.
- **35.11(4)** Reprimand the respondent and file the reprimand as provided in Iowa Court Rule 35.12. **35.11(5)** File a complaint before the grievance commission and prosecute the complaint to final determination.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 35.11 formerly appeared as Iowa Court Rule 34.11. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

- Rule 35.12 Reprimand. If the disciplinary board reprimands an attorney, a copy of the reprimand must be filed with the grievance commission clerk, who must cause a copy of the reprimand to be served on the attorney by personal service in the manner of an original notice in civil suits or by restricted certified mail with a notice attached stating that the attorney has 30 days from the date of completed service to file an exception to the reprimand with the grievance commission clerk. Service is complete on the date of personal service or the date shown by the postal receipt of delivery of the notice to the attorney.
- **35.12(1)** If the attorney fails to file an exception to the reprimand, the failure constitutes a waiver of any further proceedings and a consent that the reprimand be made final and public. In that event, the grievance commission clerk must cause a copy of the reprimand to be forwarded to the supreme court clerk, together with proof of service of the reprimand upon the attorney and a statement that the attorney did not file an exception within the time prescribed. The supreme court will then include the reprimand in the records of the court as a public document unless the court remands the matter to the disciplinary board for consideration of another disposition.
- 35.12(2) In the event the attorney files a timely exception to the reprimand, no report of the reprimand will be made to the supreme court clerk and the reprimand must be stricken from the grievance commission records.
- 35.12(3) The board may proceed further by filing a complaint against the attorney before the grievance commission. When an exception to a reprimand is filed, the reprimand is not admissible in evidence in any hearing before the grievance commission.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] **COMMENT:** Rule 35.12 formerly appeared as Iowa Court Rule 35.3. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.13 Order for mental or physical examination or treatment.

- **35.13(1)** Order requiring examination or treatment. An attorney who is licensed to practice law in the State of Iowa is, as a condition of licensure, under a duty to submit to a mental or physical examination or subsequent treatment as the disciplinary board may order. The disciplinary board may order the examination or treatment based upon a showing of probable cause to believe the attorney is suffering from a condition that impairs the attorney's ability to discharge professional duties. The disciplinary board may order that the examination or treatment be at the attorney's expense.
- 35.13(2) Show cause hearing. Before the disciplinary board may order an attorney to submit to examination or treatment, it must schedule a hearing to permit the attorney to show cause why the board should not enter the order. At least three members of the disciplinary board must participate in the hearing. At the hearing, the disciplinary board's staff counsel must first present evidence of probable cause supporting the need for examination or treatment. The attorney may then respond to the staff counsel's showing and rebut the claim that the examination or treatment is necessary. The hearing will be informal and the strict rules of evidence will not apply. Following the hearing, the disciplinary board, by majority vote, must either dismiss the matter or enter an order requiring examination or treatment.
- **35.13(3)** Content of order. The disciplinary board's order for mental or physical examination or treatment must include the following:

- a. A description of the type of examination or treatment to which the attorney must submit.
- b. The name and address of the examiner or treatment facility that the disciplinary board has identified to perform the examination or provide the treatment.
 - c. The time period in which the attorney must schedule the examination or enter treatment.
 - d. The amount of time in which the attorney is required to complete the examination or treatment.
- e. A requirement that the attorney provide a report or reports of the examination or treatment results to the disciplinary board within a specified period of time.
- f. A requirement that the attorney communicate with the disciplinary board regarding the status of the examination or treatment.
- g. A provision allowing the attorney to request additional time to schedule the examination or complete the treatment or to request that the disciplinary board approve an alternative examiner or treatment facility. The disciplinary board has sole discretion to determine whether to grant the request.
- **35.13(4)** Review. An attorney who disagrees with the disciplinary board's order may seek review from the supreme court by filing a petition for review with the supreme court clerk and serving one copy of the petition on the disciplinary board within seven days after receipt of the board's order. The disciplinary board may file a response to the petition with the supreme court clerk and serve one copy of the response on the attorney within seven days after service of the petition. The matter will be promptly set for hearing before one or more justices of the supreme court. The disciplinary board's order is stayed upon the filing of the petition for review.
- **35.13(5)** *Hearing.* At the hearing on the petition, the disciplinary board must present evidence of probable cause supporting its order and the necessity for the examination or treatment. The attorney may then respond to the disciplinary board's showing and rebut the board's claim that the examination or treatment is necessary. The hearing will be informal and the strict rules of evidence will not apply. Following the hearing, the supreme court may affirm, vacate, or modify the disciplinary board's order or may enter such order as the circumstances warrant.
- **35.13(6)** Failure to submit. An attorney's failure to submit to the examination or treatment the disciplinary board orders under this rule may be grounds for discipline through the normal disciplinary process.
- **35.13(7)** "Condition." For purposes of this rule, "condition relating to the attorney's impairment" means any physiological, mental or psychological condition, impairment, or disorder, including a substance-related disorder.
- **35.13(8)** Confidentiality. All records, papers, proceedings, meetings, and hearings filed or conducted under this rule are confidential unless the supreme court orders otherwise. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.13 formerly appeared as Iowa Court Rule 34.12. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.14 Deferral of further proceedings.

- **35.14(1)** *Deferral.* With agreement of the assistant director for attorney discipline and the attorney, the board may defer further proceedings pending the attorney's compliance with conditions the board imposes for supervision of the attorney for a specified period of time not to exceed one year unless the board extends the time prior to the conclusion of the specified period. Proceedings may not be deferred under any of the following circumstances:
- a. The conduct under investigation involves misappropriation of funds or property of a client or a third party.
- b. The conduct under investigation involves a criminal act that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney in other respects.
- c. The conduct under investigation resulted in or is likely to result in actual prejudice (loss of money, legal rights, or valuable property rights) to a client or other person, unless restitution is made a condition of deferral.
- **35.14(2)** Conditions. In imposing conditions, the disciplinary board must consider the nature and circumstances of the conduct under investigation and the history, character, and condition of the attorney. The conditions the disciplinary board may impose include, but are not limited to, the following:
 - a. Periodic reports to the assistant director for attorney discipline.
 - b. Supervision of the attorney's practice or accounting procedures.
 - c. Satisfactory completion of a course of study.
 - d. Successful completion of the Multistate Professional Responsibility Examination.
 - e. Compliance with the provisions of the Iowa Rules of Professional Conduct.

- f. Restitution.
- g. Psychological counseling or treatment.
- h. Substance-related disorder counseling or treatment.
- i. Abstinence from alcohol or drugs.
- j. Cooperation with the Iowa Lawyers Assistance Program.
- k. Fee arbitration.
- **35.14(3)** Affidavit. Prior to the disciplinary board's deferral of further proceedings, the attorney must execute an affidavit setting forth all of the following:
 - a. The attorney's admission of the conduct under the disciplinary board's investigation.
- b. The conditions the disciplinary board will impose for supervision of the attorney, including the period of supervision.
 - c. The attorney's agreement to the conditions to be imposed.
- d. An acknowledgement that the attorney understands that if the attorney fails to comply with the conditions the disciplinary board has imposed, a formal complaint may be filed with the grievance commission, both for the matters raised in the original complaint to the board and for the attorney's failure to comply with the conditions of supervision.
- e. A statement that, if the attorney fails to comply with the conditions of supervision, the attorney's admissions with respect to the attorney's conduct may be introduced as evidence in any subsequent proceedings before the disciplinary board or the grievance commission.
- f. An acknowledgement that the attorney joins in the disciplinary board's deferral determination freely and voluntarily and understands the nature and consequences of the board's action.
- **35.14(4)** Supervision. The diversion coordinator, who may be the assistant director for attorney discipline, is responsible for supervising the attorney's compliance with the conditions the disciplinary board imposes. Where appropriate, the diversion coordinator may recommend to the disciplinary board modifications of the conditions and must report to the board the attorney's failure to comply with the conditions or to cooperate with the diversion coordinator.
- **35.14(5)** Compliance. Upon the attorney's successful compliance with the conditions the disciplinary board imposed, the board must dismiss or close the investigations pending before it at the time it determined to defer further proceedings. The attorney will not be considered to have been disciplined, but the attorney's admission of misconduct may be considered in imposing sanctions in a subsequent disciplinary matter not arising out of the same conduct.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 35.14 formerly appeared as Iowa Court Rule 34.13. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.15 Forms.

Rule 35.15 — Form 1: Iowa Supreme Court Attorney Disciplinary Board Complaint Form.

	Iowa Supreme Court Attorney Disciplinary Board
	Complaint Form
	Complete a separate form for each attorney with whom you have a complaint.
1.	
33.50	Your name Email address
	Street address City State ZIP code
_	Home phone Cell phone Business phone
2.	Name of attorney about whom you are complaining:
	Traine
	Business address City State ZIP code
	Business phone
3.	Did you hire the attorney? Check one Yes No
	If yes, when did you hire the attorney?
	If no, what is your connection to the attorney?
5.	 A. Name of court:
J.	of what the attorney did or did not do. Return the sheet(s) with this form. Write on only one side of the complaint form and the additional sheets of paper. Attach copies of documents that prove or help to explain your complaint, such as fee agreements, letters, checks, receipts, itemized billings, and court papers. Send only copies, not original documents, as we are not able to return your documents to you. In filing this complaint, you are waiving confidentiality and attorney-client privileges, if any,
	between you and the attorney named above. This waiver allows the attorney to disclose your confidential information to the extent reasonably necessary to respond to the complaint.
6.	Oath and Signature
	I,, certify under penalty of perjury and pursuant to the laws
	Print your name
	of the State of Iowa that the allegations of this complaint are true and correct.
	Month Day Year Your Signature
Send	Month Day Year Your Signature the completed form to: Iowa Supreme Court Attorney Disciplinary Board Iowa Judicial Branch Building 1111 East Court Avenue Des Moines, Iowa 50319 Telephone (515) 725-8017
Jan	uary 2016 Rule 35.15—Form 1 Page 1 of 1

CHAPTER 36 GRIEVANCE COMMISSION RULES OF PROCEDURE

Rule 36.1	Complaints
Rule 36.2	Docket; complaints; filings
Rule 36.3	Report of filing
Rule 36.4	Grievance commission; divisions
Rule 36.5	Notice to respondent
Rule 36.6	Filing and service of documents
Rule 36.7	Answer
Rule 36.8	Notices by complainant and respondent
Rule 36.9	Challenge regarding impartiality; four-member divisions
Rule 36.10	Setting case for hearing; pretrial conference and scheduling order
Rule 36.11	Time and place of hearing
Rule 36.12	Continuances
Rule 36.13	Discovery
Rule 36.14	Prehearing motions and hearings
Rule 36.15	Subpoenas
Rule 36.16	Stipulated submissions
Rule 36.17	Conduct of hearing
Rule 36.18	Oaths
Rule 36.19	Action upon complaint; report of decision
Rule 36.20	Additional time for decision upon request
Rule 36.21	Supreme court disposition if no appeal
Rule 36.22	Appeal
Rule 36.23	Harmless error; substantial prejudice test
Rule 36.24	Costs
Rule 36.25	Forms

Notice of Complaint

Form 1:

CHAPTER 36 GRIEVANCE COMMISSION RULES OF PROCEDURE

Rule 36.1 Complaints.

36.1(1) Any complaint of the Iowa Supreme Court Attorney Disciplinary Board (disciplinary board) must be filed with the Iowa Supreme Court Grievance Commission (grievance commission) in the name of the disciplinary board as the complainant and against the attorney named in the charges as the respondent. The disciplinary board must prosecute the complaint and charges before the grievance commission until final disposition.

36.1(2) Every complaint filed against an attorney with the grievance commission by the disciplinary board must be signed and sworn to by the disciplinary board chair and served upon the attorney as provided in rule 36.5. The complaints must be sufficiently clear and specific in their charges to reasonably inform the attorney against whom the complaint is made of the misconduct the attorney is alleged to have committed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] **COMMENT:** Rule 36.1(1) formerly appeared as Iowa Court Rule 36.3. Rule 36.1(2) formerly appeared at Iowa Court Rule 35.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.2 Docket; complaints; filings.

36.2(1) The grievance commission clerk must maintain a permanent docket of complaints in substantially the same manner as the records relating to civil actions in district court. The clerk must separately number and file each complaint. All subsequent answers, motions, applications, petitions, pleadings, orders, or other related documents will be made part of the file.

36.2(2) The grievance commission clerk must file and preserve all complaints, answers, motions, applications, petitions, pleadings, orders, records, reports, exhibits, evidence, and other documents or things filed under this chapter or received in evidence in a hearing before the grievance commission in Des Moines, Iowa, and the files must at all times be available to the supreme court or anyone the court designates.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.2(1) formerly was included in Iowa Court Rule 36.4. Rule 36.2(2) formerly appeared at Iowa Court Rule 35.5. Rule 36.2 is amended to conform an internal reference to the new rule numbers and to reduce duplication with rule 36.4. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.3 Report of filing. The grievance commission clerk must report the filing of each complaint to the grievance commission chair, who must by written order direct that the grievance commission as a whole, or a specified division of the commission, hear each complaint.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.3 formerly appeared as Iowa Court Rule 36.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.4 Grievance commission; divisions. Grievance commission commissioners may act as a body or in such divisions as the grievance commission chair may direct. Each division must consist of five members. The chair must designate the personnel of each division for each complaint as required. The chair must appoint one member to serve as division president. The chair will select two additional members as alternates.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 36.4 formerly appeared as Iowa Court Rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.5 Notice to respondent.

36.5(1) Upon the filing of a complaint, the grievance commission clerk must serve a written notice of the complaint, a copy of the complaint, and a copy of chapter 36 of the Iowa Court Rules upon the respondent.

36.5(2) The grievance commission clerk may serve notice of the complaint by personal service in the manner of an original notice in civil suits or by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must inform the respondent of the 20-day period following completed service of the notice to file a written answer to the complaint. Written return of service must be made by the person making the service if by personal service, or by the grievance commission clerk with postal receipts attached to the return if by restricted certified mail, and the return of service must be filed. Service is complete on the date of personal service or on the date shown by the postal receipt of delivery of the notice to the respondent or refusal of the

respondent to accept delivery. The notice is sufficient if it substantially complies with the form that accompanies these rules.

36.5(3) If service cannot be obtained pursuant to rule 36.5(2), the grievance commission clerk may serve notice of the complaint on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa's disciplinary authority. Iowa R. Prof'l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be completed service of the notice on the respondent. Simultaneously with serving notice on the supreme court clerk, the grievance commission clerk must forward the notice and a copy of the complaint to the respondent by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must instruct the respondent to file a written answer to the complaint within 20 days after completed service of the notice. The grievance commission clerk must file with the supreme court clerk an affidavit attesting that notice was sent to the respondent by restricted certified mail. [Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.5 formerly appeared as Iowa Court Rule 36.6. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.6 Filing and service of documents. All answers, motions, applications, petitions, and pleadings in connection with a complaint must be filed with the clerk of the grievance commission. The grievance commission clerk must send copies to the parties and the grievance commission chair if the commission is sitting as a whole or to the grievance commission division president to whom the complaint has been referred. If the parties are participating in the electronic filing option, then all filings and mailings under this chapter may be done electronically using that system. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020]

COMMENT: Rule 36.6 formerly appeared as Iowa Court Rule 36.11. It is amended to conform an internal reference to the new rule numbers and reduce duplication with rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.7 Answer. The respondent must file a written answer to the complaint within 20 days from the completed service of notice. For good cause shown upon written application, the grievance commission may grant an extension of time for filing an answer. If the respondent fails or refuses to file an answer within the time specified, the allegations of the complaint are deemed admitted, and the matter will proceed to a hearing on the issue of the appropriate sanction.

[Court Order January 26, 2016, effective April 1, 2016]

Rule 36.8 Notices by complainant and respondent.

36.8(1) Allegation of misappropriation or conversion. If the complainant intends to assert that a respondent misappropriated or converted client or third-party funds in violation of rule 32:1.15 or chapter 45 of the Iowa Court Rules, the complainant must specifically allege in the complaint the respondent's misappropriation or conversion for personal use without a colorable future claim to the funds. The division president may for good cause shown allow amendment of the complaint to specifically allege misappropriation or conversion, provided the respondent is given notice of the amendment and an adequate opportunity to respond before the hearing commences. In granting leave to amend, the division president may impose terms and conditions, including a delay or continuance of the hearing.

36.8(2) Colorable future claim. A respondent who intends to rely on the defense of a colorable future claim to funds taken from a trust account to avoid a finding of misappropriation must, within the time set for the making of pretrial motions or at such later time as the division president directs, file written notice of such intention. The division president may for good cause shown allow late filing of the notice. The respondent bears the burden of coming forward with evidence in support of a colorable future claim, but the burden to prove conversion remains with the complainant.

36.8(3) Failure to comply. If a respondent fails to abide by the time period described in rule 36.8(2), the respondent may not offer evidence on the issue of colorable future claim without leave of the division president for good cause shown. In granting leave, the division president may impose terms and conditions including a delay or continuance of hearing.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.8 is a new rule, intended to require notice of an allegation of misappropriation and use of the colorable future claim defense in trust account conversion cases. In 2014, the supreme court discussed the advisability of specifically alleging misappropriation or conversion for personal use in the complaint so that the respondent has adequate notice. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Kelsen*, 855 N.W.2d 175 (Iowa 2014). The supreme court subsequently stated that a complaint alleging theft or misappropriation must "specifically allege misappropriation or conversion of a client retainer for personal use without a colorable

future claim." *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Cepican*, 861 N.W.2d 841 (Iowa 2015). In another 2014 attorney discipline case, the supreme court addressed allocation of the burden of proof with respect to the so-called colorable future claim defense to conversion of client funds held in trust. The court decided to allocate the burden of coming forward with evidence of a colorable future claim to the respondent attorney, but left the burden of proving conversion with the attorney disciplinary board. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Carter*, 847 N.W.2d 228 (Iowa 2014). Rule 36.8 requires that the complainant specifically include in its complaint any allegation of misappropriation or conversion, and the rule incorporates a notice requirement for a respondent intending to assert the colorable future claim defense, similar to the notice requirements for alibi, insanity, diminished capacity, and other defenses described in Iowa Rule of Criminal Procedure 2.11(11). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.9 Challenge regarding impartiality; four-member divisions.

36.9(1) Within the time allowed for filing an answer to the complaint, the respondent may challenge the impartiality of any member of the grievance commission or division by filing a motion setting forth the grounds for challenge. The motion will be disposed of as provided in rule 36.14. If the challenge is sustained, the vacancy thus created will be filled as provided in rule 36.4.

36.9(2) With the consent of the complainant and the respondent, a grievance commission division may consist of four members. If the four-member division is evenly divided between a recommendation of sanction or dismissal, the division must enter a dismissal of the complaint pursuant to the provisions of rule 36.19. Upon such dismissal, the complainant may apply for permission to appeal pursuant to rule 36.22.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.9 formerly appeared at Iowa Court Rule 36.13. It is amended to conform an internal rule reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.10 Setting case for hearing; pretrial conference and scheduling order.

36.10(1) After 30 days have elapsed from the date of service of the complaint and a grievance commission division is appointed to hear the matter, the grievance commission clerk must arrange a scheduling conference with the division members and the parties to schedule the hearing, discovery, and other pretrial matters. Notice of the scheduling conference must be provided at least 10 days prior to the scheduled telephone conference.

36.10(2) The hearing must be held not less than 60 days nor more than 90 days after the date the answer is due. A respondent who waives this requirement must file a written application for waiver of speedy hearing with the grievance clerk at least three days prior to the rule 36.10(1) scheduling conference. Hearings may only be set outside of this period if the division president finds that good cause exists and the respondent does not object. At least 10 days before the date set for the hearing, the grievance commission clerk must mail to all parties and division members a copy of the order setting the hearing. If a party does not participate in the scheduling conference, the grievance commission clerk must provide notice of the hearing to the party by restricted certified mail or personal service.

36.10(3) The division president must file a scheduling order regarding discovery and other pretrial matters after the telephone conference. The scheduling order must specify deadlines for disclosure of expert witnesses, service of discovery requests, service of responses to discovery, exchange of witness and exhibit lists, exchange of exhibits, amendment of pleadings, objections to witnesses or exhibits, motions to resolve discovery issues, and any other pretrial matters the division president deems appropriate.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

COMMENT: Rule 36.10 formerly appeared as Iowa Court Rule 35.7. It is amended to conform an internal reference to the new rule numbers and eliminate duplication with rule 36.11. In addition, provisions for a mandatory pretrial conference and a scheduling order regarding discovery and other pretrial matters are added, reflecting actual grievance commission pretrial practice. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.11 Time and place of hearing. The grievance commission chair or the division president to whom a complaint has been referred must direct a hearing to be held upon the complaint in the respondent's county of residence or, at the discretion of the grievance commission chair, within any other judicial district as most nearly serves the convenience of the parties and must designate by written order the time and place for the hearing. If the respondent files written objections to conducting the hearing in the respondent's county of residence, the hearing must be held at such other place as the grievance commission chair or division president directs by written order, in which case a new notice of the hearing date must be given.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.11 formerly appeared as Iowa Court Rule 36.8. It is amended to eliminate duplication with rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.12 Continuances. A hearing may not be continued except for good cause, upon written application supported by affidavit. Except in a case of emergency, any motion for continuance must be filed at least seven days before the day of hearing. Any objections to continuance must be filed promptly.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.12 formerly appeared as Iowa Court Rule 36.9. It is amended to include language formerly in Iowa Court Rule 35.7 regarding the written application and affidavit. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.13 Discovery. In any disciplinary proceeding or action taken by the disciplinary board, discovery is permitted as provided in Iowa Rules of Civil Procedure 1.501(2) and 1.501(3), 1.502 through 1.504, 1.505(2), 1.506, 1.508 through 1.517, 1.701, 1.704, 1.705, and 1.707 through 1.717. The attorney against whom a complaint is filed, in addition to the restriction stated in Iowa Rule of Civil Procedure 1.503(1), is not required to answer an interrogatory pursuant to Iowa Rule of Civil Procedure 1.509, a request for admission pursuant to Iowa Rule of Civil Procedure 1.510, a question upon oral examination pursuant to Iowa Rule of Civil Procedure 1.701, or a question upon written interrogatories pursuant to Iowa Rule of Civil Procedure 1.710, if the answer would be self-incriminatory. In addition, evidence and testimony may be perpetuated as provided in Iowa Rules of Civil Procedure 1.721 through 1.728. If either party is to utilize discovery, it must be commenced within 30 days after service of the complaint. The grievance commission may permit amendments to the complaint to conform to the proof or to raise new matters as long as the respondent has notice and a reasonable time to prepare a defense prior to the date set for hearing. The grievance commission or any grievance commission division may receive an application and may enter an order to enforce discovery or to perpetuate any evidence. Discovery pursuant to this rule includes a respondent's right to obtain a copy of the disciplinary board's file pursuant to Iowa Court Rule 35.4(4).

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 36.13 formerly appeared as Iowa Court Rule 35.6. It is amended to conform an internal reference to the new

COMMENT: Rule 36.13 formerly appeared as IoWa Court Rule 35.6. It is amended to conform an internal reference to the new rule numbers. Rule 36.13 also is amended based on changes to discovery rules for civil cases adopted effective January 1, 2015, with the goal of selectively incorporating the new discovery rules in civil cases to reflect current discovery practice before the grievance commission. The incorporated rules allow discovery by oral deposition, written interrogatories, requests for admission, requests for production, physical or mental examination, and depositions upon written interrogatories. Iowa Rule of Civil Procedure 1.507 regarding a discovery plan is not incorporated. Current grievance commission practice, incorporated in rule 36.10, is to craft a discovery plan that accommodates the hearing date and enter a scheduling order at the time the hearing date is set by telephone conference. Iowa Rules of Civil Procedure 1.501(1) and 1.505 are not incorporated because the contemplated initial disclosures are not relevant in attorney disciplinary cases or are already subject to disclosure in other parts of the attorney disciplinary process and the timing provisions are not compatible with the pace of attorney disciplinary proceedings. Similarly, Iowa Rule of Civil Procedure 1.702 regarding small claims and Iowa Rule of Civil Procedure 1.706 regarding substituted parties do not apply in attorney disciplinary proceedings. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.14 Prehearing motions and hearings. If prompt written request is filed by or on behalf of any party for a hearing upon any preliminary motion or application filed in connection with a complaint, the chair of the grievance commission sitting as a whole or the division president to whom such complaint has been referred must by written order set a time and place of hearing on the motion or application and must notify all parties and attorneys. After the hearing, or if none is requested, the grievance commission chair or division president, as the case may be, or any member of the grievance commission or division designated by the chair or president must file a written ruling upon the motion or application, and thereafter all parties must promptly comply with the ruling's terms and conditions. [Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.14 formerly appeared as Iowa Court Rule 36.12. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.15 Subpoenas.

36.15(1) The grievance commission has subpoena power on behalf of the disciplinary board and the attorney against whom a complaint is filed to compel the appearance of persons or the production of documents during discovery and the final hearing. The grievance commission clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete the subpoena for service. An attorney licensed or otherwise authorized to practice law in Iowa, as an officer of the court, also may issue and sign a subpoena.

36.15(2) Any attack on the validity of a subpoena must be heard or determined by the grievance commission chair, the division president, or any division member to whom a complaint has been referred. Any resulting order is not appealable prior to entry of the grievance commission final

ruling, report, or recommendation. Disobedience of a grievance commission subpoena is punishable as contempt in the district court for the county where the hearing is to be held. A contempt proceeding is not a matter of public record.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.15 formerly appeared as Iowa Court Rule 35.8. It is amended to conform an internal reference to the new rule numbers and to flow more logically. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.16 Stipulated submissions.

- **36.16(1)** The parties may stipulate and agree to waive formal hearing and submit the complaint to the grievance commission for its decision on the basis of a written stipulation the parties approve and file with the grievance commission clerk. The grievance commission may consider the complaint on the basis of the stipulation, refuse to accept the stipulation and proceed with a formal hearing, or accept the stipulation but conduct a limited hearing to elicit such additional evidence as the grievance commission may deem necessary to facilitate informed consideration of the complaint. A stipulation under this rule must be submitted not less than 15 days before the date set for hearing. A stipulation submitted pursuant to this rule may include a statement regarding the proposed discipline, including additional or alternative sanctions as provided in rule 36.19. A stipulation submitted pursuant to this rule must include:
- a. For each rule violation stipulated, a separate paragraph stating supporting facts sufficient to allow the grievance commission and the supreme court to find a factual basis for concluding the violation occurred.
 - b. A separate statement of conclusions of law as to the stipulated violations.
 - c. A separate description of mitigating and aggravating circumstances.
 - d. A stipulation as to all exhibits.
- e. A waiver of the formal hearing, the parties' agreement to submit the matter on the basis of the stipulation, and an agreement to closure of the record unless the grievance commission directs further proceedings.
- f. If the parties stipulate to a sanction, a separate paragraph supported by citations to prior Iowa Supreme Court discipline decisions and a discussion as to why those decisions support the stipulated sanction.
- **36.16(2)** If the grievance commission accepts a stipulation of facts, the stipulation binds the parties, the grievance commission, and the supreme court. The grievance commission must interpret the stipulation of facts with reference to its subject matter and in light of the surrounding circumstances and the whole record, including the state of the pleadings, issues involved, and any additional evidence elicited at a limited hearing.
- **36.16(3)** A stipulation as to violations or sanctions is not binding on the grievance commission or the supreme court. The grievance commission must consider the statement of proposed discipline, but the statement does not limit the commission. The commission may recommend greater or lesser discipline, including additional or alternative sanctions.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.16 formerly appeared as Iowa Court Rule 35.9. It is amended to conform an internal reference to the new rule numbers. In addition, more specific requirements for the content of stipulated submissions and more specific provisions regarding the effect of stipulations are included based on the decisions of *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Haskovec*, 869 N.W.2d 554 (Iowa 2015) and *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Gailey*, 790 N.W.2d 801 (Iowa 2010). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.17 Conduct of hearing.

- **36.17(1)** At the time and place set for the hearing upon any complaint, the grievance commission or division must proceed to hear the evidence and arguments of the parties. The hearing is not open to the public.
- 36.17(2) The respondent may present character evidence by sworn affidavit, which must be filed as part of the respondent's exhibits. The affidavit must be admitted into evidence unless the complainant indicates, at least three days prior to the scheduled hearing date, that it intends to cross-examine the affiant. In such case, the affidavit must not be received into evidence, and the affiant must testify in the manner of all other witnesses. The respondent may similarly offer the character evidence of a subpoenaed judge by sworn affidavit, subject to the same constraints if the complainant timely indicates its intention to cross-examine the affiant judge. All other witnesses must testify at the hearing after administration of an oath or affirmation by a grievance commission member or other

person authorized by law to administer oaths, and their testimony must be officially reported by a duly qualified court reporter.

- **36.17(3)** If the respondent previously has been publicly reprimanded, the respondent's license has been suspended or revoked, or the respondent has been disbarred, a certified copy of said action must be admitted into evidence at any hearing involving disciplinary proceedings without the necessity of a bifurcated hearing. The grievance commission and the supreme court will consider this evidence with all other evidence in the case in determining the respondent's fitness to practice law in the State of Iowa.
- **36.17(4)** Either party may use principles of issue preclusion in an attorney discipline case if all of the following conditions exist:
- a. The issue has been resolved in a civil proceeding that resulted in a final judgment or in a criminal proceeding that resulted in a finding of guilt, even if the disciplinary board was not a party to the prior proceeding.
 - b. The burden of proof in the prior proceeding was greater than a preponderance of the evidence.
- c. The party seeking preclusive effect has given written notice to the opposing party, not less than 10 days prior to the hearing, of the party's intention to invoke issue preclusion.
- **36.17(5)** The respondent may defend and has the right to participate in the hearing in person and by counsel to cross-examine, to be confronted by witnesses, and to present evidence.
- **36.17(6)** The presentation of evidence must conform to the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence. The grievance commission chair or division president will determine all questions of procedure, including objections to evidence.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: The majority of rule 36.17 formerly appeared at Iowa Court Rule 36.14. Rules 36.17(3) and 36.17(4) formerly appeared at Iowa Court Rule 35.7. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.18 Oaths. Any member of the grievance commission may administer oaths or affirmations to all witnesses and must cause such testimony to be officially reported by a court reporter. [Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.18 formerly appeared as Iowa Court Rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.19 Action upon complaint; report of decision.

- 36.19(1) At the conclusion of a hearing upon any complaint against an attorney, the grievance commission may permit a reasonable time for the parties to file post-hearing briefs and arguments. The commissioners must dismiss the complaint, issue a private admonition, or recommend that the supreme court reprimand the respondent or suspend or revoke the respondent's license. If the commissioners recommend a reprimand, suspension, or revocation, they must file with the grievance commission clerk a report of their findings of fact, conclusions of law, and recommendations within 60 days of the date set for filing of the last responsive brief and argument. The report must be titled in the name of the complainant versus the accused attorney as respondent. As part of its report, the grievance commission may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline. The clerk of the grievance commission must promptly file the report with the supreme court clerk and must serve the report upon the complainant and the respondent as provided in Iowa Rule of Appellate Procedure 6.701. The matter then stands for disposition in the supreme court.
- **36.19(2)** All reports and recommendations of the commissioners must be concurred in by at least 3 members of the division or at least 12 members of the grievance commission, as the case may be, all of whom must have been present throughout the proceedings. Any commissioner has the right to file with the grievance commission clerk a dissent from the majority determination or report. The clerk must promptly serve a copy of a dissent on the parties.
- **36.19(3)** If the grievance commission dismisses the complaint or issues a private admonition, no report may be made to the supreme court except as provided in rule 34.13; however, the grievance commission must, within 10 days of its determination, serve a copy of its determination or report on the complainant and the attorney concerned as provided in this rule. If the complainant does not apply for an appeal within 10 days after such service, the grievance commission's determination is final.
- **36.19(4)** If the commissioners dismiss the charges, no publicity will be given to any of the proceedings except at respondent's request.

36.19(5) A copy of the grievance commission's report must be filed with the Client Security Commission.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.19 formerly appeared as Iowa Court Rule 36.15. It is amended to conform an internal reference to the new rule numbers and to complement rule 36.20. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.20 Additional time for decision upon request. If the grievance commission cannot reasonably make its determination or file its report within 60 days of the date set for the filing of the last responsive brief and argument, the division president may file a request for an extension of time with the grievance commission clerk prior to expiration of the 60-day period. The clerk must serve a copy of the request on the grievance commission chair and the parties. The grievance commission chair must file a written decision on the extension request with the grievance commission clerk, who must serve a copy on all parties. If the division fails to file its decision or a request for an extension of time within 60 days of the date set for the filing of the last responsive brief and argument, the grievance commission clerk must promptly notify the director of the office of professional regulation of the failure.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.20 formerly appeared at Iowa Court Rule 35.10. It is amended to conform an internal reference to the new rule numbers and to reflect the provisions moved to or already present in rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.21 Supreme court disposition if no appeal.

36.21(1) Within 14 days after a report is filed with the supreme court clerk, the grievance commission clerk must transmit to the supreme court clerk the entire record made before the grievance commission. If no appeal is taken or application for permission to appeal is filed within the 10-day period provided in rule 36.22, the supreme court will set a date for submission of the grievance commission report. The supreme court will notify the parties that they may file written statements with the supreme court in support of or in opposition to the discipline the grievance commission recommends. Statements in support of or in opposition to the recommended discipline must be served and filed no later than seven days before the date set for submission. Upon submission, the supreme court will proceed to review de novo the record made before the grievance commission and determine the matter without oral argument or further notice to the parties. Upon de novo review the supreme court may impose a lesser or greater sanction than the discipline the grievance commission recommends.

36.21(2) The supreme court may revoke or suspend the license of an attorney admitted to practice law in Iowa upon any of the following grounds: conviction of a felony, conviction of a misdemeanor involving moral turpitude, violation of any provision of the Iowa Rules of Professional Conduct, or any cause now or hereafter provided by statute or these rules.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.21 formerly appeared as Iowa Court Rule 35.11. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.22 Appeal.

36.22(1) Pursuant to rule 36.19, the respondent may appeal to the supreme court from the report or recommendation the grievance commission files. The respondent's notice of appeal must be filed with the grievance commission clerk within 10 days after service of the report or recommendation on the respondent. The respondent must serve a copy of the notice of appeal on the complainant pursuant to Iowa Rule of Appellate Procedure 6.701. Promptly after filing the notice of appeal with the grievance commission clerk, the respondent must mail or deliver a copy of the notice to the supreme court clerk.

36.22(2) The complainant may apply to the supreme court for permission to appeal from a determination, ruling, report, or recommendation of the grievance commission. The application must be filed within 10 days after service of the determination, ruling, report, or recommendation on the complainant. The supreme court may grant such appeal in a manner similar to the granting of interlocutory appeals in civil cases under the Iowa Rules of Appellate Procedure. The filing fee and the docket fee may be waived upon the complainant's written request.

36.22(3) An appeal of the grievance commission's dismissal of a complaint or of the grievance commission's decision to issue a private admonition must remain confidential. In making such application, and in any subsequent briefs, the complainant must refer to the respondent as "Attorney Doe No. (insert grievance commission number)," instead of using the respondent's name. All

references to the respondent during oral arguments must be to "Attorney Doe." In the event the supreme court reverses or modifies the report of the grievance commission, the court order of reversal or modification is a public record.

36.22(4) After a notice of appeal is filed or permission to appeal is granted, the appeal must proceed pursuant to the Iowa Rules of Appellate Procedure to the full extent those rules are not inconsistent with this chapter. Within seven days of the filing of the notice of appeal or the filing of the order granting permission to appeal, appellant must pay the filing fee pursuant to Iowa Rule of Appellate Procedure 6.702 and must file the combined certificate Iowa Rule of Appellate Procedure 6.804 requires. The matter must be captioned under the title given to the action before the grievance commission with the appellant identified as such pursuant to Iowa Rule of Appellate Procedure 6.109(2), unless rule 36.22(3) requires otherwise. The abbreviated time limits specified in Iowa Rule of Appellate Procedure 6.902 apply. Extensions of time must not be granted except upon a verified showing of the most unusual and compelling circumstances. Review is de novo. If a respondent's appeal is dismissed for lack of prosecution pursuant to Iowa Rule of Appellate Procedure 6.1202 or for any other reason, the supreme court must proceed to review and decide the matter pursuant to rule 36.21 as if no appeal had been taken.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018] COMMENT: Rule 36.22 formerly appeared as Iowa Court Rule 35.12. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.23 Harmless error; substantial prejudice test. An omission, irregularity, or other defect in procedure will not render void or ineffective any act of the grievance commission, division, or any member thereof unless substantial prejudice is shown to have resulted.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.23 formerly appeared as Iowa Court Rule 36.17. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.24 Costs.

36.24(1) In the event that an order of revocation, suspension, or public reprimand results from formal charges of misconduct, the supreme court will assess against the respondent the costs of the proceeding. For the purposes of this rule, costs include those expenses normally taxed as costs in state civil actions pursuant to the provisions of Iowa Code chapter 625.

36.24(2) Within 30 days of the filing of the grievance commission report, the clerk of the grievance commission must serve the complainant and the respondent with a bill of costs and file the bill with the supreme court clerk. An appeal does not obviate this requirement. The complainant and the respondent have 10 days from the date of service to file written objections with the supreme court and the grievance commission clerk. Any objections filed must be considered by the grievance commission division president or the president's designee. The president or the designee must rule on the objections within 10 days. The supreme court will consider the ruling and objections upon disposition of the matter under rule 36.21 or 36.22. The supreme court clerk must tax additional costs associated with an appeal as in other civil actions.

36.24(3) In its final decision, the supreme court will order the respondent to pay restitution to the complainant for such costs as the supreme court may approve. A suspended or disbarred attorney may not file an application for reinstatement or readmission until the amount of such restitution for costs assessed under this rule is fully paid or waived by the supreme court.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.24 formerly appeared as Iowa Court Rule 35.27. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.25 Forms.

Rule 36.25 — Form 1: Notice of Complaint.

Before the Iowa Supreme Court Grievance Commission			
lowa Supreme Court			
Attorney Disciplinary Bo	oard,		
Complainant,		Notice of Com	plaint
vs.			
Full name: first, middle, last	Attorney at Law, of		
	, lowa		
Respondent.			
To: Respondent's name		a.	
Respondent:			
	nch Building, 1111 Ea	with the lowa Supreme Court Gr st Court Avenue, Des Moines, torney and counselor at law.	
A copy of the complaint and a of this notice.	copy of chapter 36 of	the Iowa Court Rules are attack	hed and made a part
	de by any further orde	to the complaint within 20 days ers of the grievance commission	
		sion will hear this complaint in facts and circumstances disclos	
Dated this day of	th Yea	y-	
		Grievance Commission Clerk	
		lowa Judicial Branch Building 1111 East Court Avenue	
		Des Moines, Iowa 50319	
January 2016	Rule 36.2	5—Form 1	Page 1 of 1

CHAPTER 37 COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1	Commission on the Unauthorized Practice of Law
Rule 37.2	Injunctions
Rule 37.3	Unauthorized practice of nonadmitted lawyers
Rule 37.4	Domestic violence, sexual assault, and sexual abuse victim counselors
Rule 37.5	Limited real estate practice

CHAPTER 37 COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1 Commission on the Unauthorized Practice of Law.

- **37.1(1)** There is created a commission for the abatement of the unauthorized practice of law, which is known as the Commission on the Unauthorized Practice of Law (commission). This commission comprises seven lawyer members and two nonlawyer members, all of whom are appointed by the supreme court. The supreme court may accept nominations for appointment to the commission from any association of lawyers that maintains an office within the State of Iowa or any lawyer licensed in Iowa. The court will designate annually one lawyer commission member to be the chair. Members may serve no more than three three-year terms, and a member who has served three full terms is not eligible for reappointment. The commission's purpose is to receive complaints and make investigations with respect to the alleged unauthorized practice of law within this state.
- **37.1(2)** The director of the office of professional regulation will designate an assistant director for boards and commissions of the office of professional regulation to serve as the principal administrator for the commission on the unauthorized practice of law. Wherever in this chapter a reference to the "assistant director" appears, it refers to the assistant director for boards and commissions of the office of professional regulation.
- **37.1(3)** Commission expenses must be paid from the disciplinary fee account of the Clients' Security Trust Fund of the Bar of Iowa. The director of the office of professional regulation must, annually on or before May 1 or on a date otherwise specified by the supreme court, submit a budget to the supreme court for the next fiscal year.

[Court Order April 17, 1990, effective June 1, 1990; May 2, 1997; November 9, 2001, effective February 15, 2002; June 28, 2004, effective May 1, 2004; April 20, 2005, effective July 1, 2005; December 5, 2007; December 10, 2012, effective July 1, 2013; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 37.2 Injunctions.

- 37.2(1) If the commission has reasonable cause to believe that any person who has not been admitted to practice law within this state is engaging in the practice of law or holding out to the public that the person is qualified to provide services constituting the practice of law in this state, the commission may file a verified complaint with the clerk of the district court in any county in which the unauthorized practice is alleged to have occurred.
- 37.2(2) The complaint must be filed with the clerk of the district court, be given a docket number, and be captioned in the Iowa District Court for ______ County. The commission must be designated as the complainant. The respondent must be named and designated as the respondent. The complaint must be presented to the chief judge of the judicial district for entry of an order to be served on the respondent requiring that person to appear before the court and show cause why that person should not be enjoined from such activity. The show-cause hearing will be held before the chief judge or another judge designated by the chief judge.
- 37.2(3) If it appears that the facts are incapable of being adequately developed at a summary hearing, the matter may be set for trial before that judge, who will hear the evidence and make findings of fact and an appropriate dispositional order.

[Court Order April 17, 1990, effective June 1, 1990; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 37.3 Unauthorized practice of nonadmitted lawyers. If the commission makes a determination that any person who is admitted to practice in another jurisdiction but is not admitted to practice in this state has violated an injunction issued in compliance with rule 37.2, the commission must report its findings to the office of professional regulation, and the court may, in its discretion, use such information for purposes of admissions under Iowa Court Rule 31.12.

[Court Order May 2, 1997; November 9, 2001, effective February 15, 2002; February 14, 2008, effective April 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 37.4 Domestic violence, sexual assault, and sexual abuse victim counselors.

37.4(1) In all proceedings under Iowa Code chapters 236, 236A, and 664A, a victim counselor, as defined in Iowa Code section 915.20A(1)(d), who is affiliated with a member domestic violence program of the Iowa Coalition Against Domestic Violence or a member of the sexual assault program

of the Iowa Coalition Against Sexual Assault, and whose program has registered with the Iowa Coalition Against Domestic Violence or the Iowa Coalition Against Sexual Assault as providing services under this rule, is allowed to do the following:

- a. To distribute the pro se forms prescribed by the department of justice pursuant to Iowa Code sections 236.3A and 236A.4 and to assist victims of domestic violence in the preparation of such forms
- b. To describe to victims the proceedings under chapters 236, 236A, and 664A and to assist them in their role as witnesses.
- c. To accompany victims throughout all stages of proceedings under Iowa Code chapters 236, 236A, and 664A.
- d. To attend all court proceedings, including sitting in chambers and at counsel table, to confer with the plaintiffs, and, at the judge's discretion, to address the court; however, domestic violence and sexual assault victim counselors cannot examine witnesses, make arguments to the court, or otherwise act in a representative capacity for victims of domestic violence.
- 37.4(2) The Iowa Coalition Against Domestic Violence and the Iowa Coalition Against Sexual Assault must provide to the director of the office of professional regulation, on an annual basis and more frequently as necessary, an updated list of its member programs that perform the services provided under this rule.
- **37.4(3)** When they assist victims of domestic violence as specified in this rule, domestic violence and sexual assault victim counselors are not engaged in the unauthorized practice of law. [Court Order October 18, 1993, effective January 3, 1994; November 9, 2001, effective February 15, 2002; June 14, 2002, effective July 1, 2002; March 15, 2007; February 14, 2008, effective April 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 37.5 Limited real estate practice.

- **37.5(1)** *Purpose.* The purpose of this rule is to authorize nonlawyers to select, prepare, and complete certain legal documents incident to residential real estate transactions of four units or less. The preparation of documents beyond that authorized by this rule may constitute the unauthorized practice of law.
- 37.5(2) Scope of practice authorized. Except to the extent authorized by this rule, the selection, preparation, and completion of legal documents in connection with real estate transactions by nonlawyers constitutes the unauthorized practice of law unless the nonlawyer is acting on his or her own behalf as a buyer or seller.
- a. Upon written request of a buyer or seller, a nonlawyer may select, prepare, and complete form documents for use incident to a residential real estate transaction of four units or less. Such documents are limited to:
- (1) Purchase offers or purchase agreements, provided the parties are given written notice that these are binding legal documents and competent legal advice should be sought before signing.
 - (2) Groundwater hazard statements.
 - (3) Declaration of value forms.
 - b. Nonlawyers cannot select, prepare or complete:
 - (1) Deeds.
 - (2) Real estate installment sales contracts.
 - (3) Affidavits of identity or nonidentity.
 - (4) Affidavits of payment of spousal or child support.
 - (5) Any other documents necessary to correct title problems or deficiencies.
- c.. Nonlawyers may not charge for preparation of the legal documents authorized by this rule. [Court Order May 23, 2001; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

CHAPTER 38 RULES OF PROCEDURE OF THE COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 38.1	Jurisdiction; authorization; scope
Rule 38.2	Definitions
Rule 38.3	Officers
Rule 38.4	Meetings and quorum
Rule 38.5	Complaints to the commission
Rule 38.6	Investigation procedure
Rule 38.7	Determination following investigation
Rule 38.8	Confidentiality
Rule 38.9	Immunity

CHAPTER 38 RULES OF PROCEDURE OF THE COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 38.1 Jurisdiction; authorization; scope. The Commission on the Unauthorized Practice of Law, as an official arm of the court, is charged under Iowa Court Rule 37.2 with considering, investigating, and seeking the prohibition of matters pertaining to the unauthorized practice of law and the prosecution of alleged offenders. The rules contained in this chapter apply to all proceedings, functions, and responsibilities of the commission.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 38.2 Definitions. In this chapter unless the content or subject matter otherwise requires:

"Assistant director" means the assistant director for boards and commissions designated by the director of the office of professional regulation.

"Chair" means the presiding officer of the commission and includes the chair of the commission, the vice chair, or any acting chair designated by the commission to preside in the absence of the chair. "Commission" means the Commission on the Unauthorized Practice of Law.

"Respondent" is the person or entity whose conduct is the subject of a complaint to the commission or a proceeding in district court pursuant to Iowa Court Rule 37.2.

"Must" is mandatory and "may" is permissive.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 5, 2007; December 10, 2012; November 20, 2015; effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 38.3 Officers. At its first meeting in each year, the commission will elect a vice chairperson to serve for the year and until a successor is elected.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 38.4 Meetings and quorum.

- **38.4(1)** Meetings of the commission will be called by the chair of the commission and may be attended in person or by telephone. The commission must meet at least once in each calendar quarter. Special meetings may be called by the chairperson or at the request of three or more members of the commission.
- **38.4(2)** The commission may act only upon the concurrence of a majority of the members present, except in the case of a vote to initiate an action pursuant to Iowa Court Rule 37.2, in which case the commission may act only upon the concurrence of a minimum of four members.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 10, 2012, effective July 1, 2013; December 13, 2017, effective January 1, 2018]

- Rule 38.5 Complaints to the commission. Complaints may be accepted from any person or other entity believing that an individual or entity has been engaged in the unauthorized practice of law.
- **38.5(1)** In this context, "complaint" means any written communication to the commission that alleges or indicates that the unauthorized practice of law has been or is taking place.
- **38.5(2)** Complaints must be in writing but may be simple and informal. Complaints must include whatever information or exhibits the complainant desires to submit.
- 38.5(3) Complaints must be filed by submitting them to the assistant director at the office of professional regulation.
- **38.5(4)** The commission may, upon its own motion and regardless of whether any complaint has been filed, initiate any investigation or action it deems appropriate.
- **38.5(5)** Upon receiving a complaint or initiating any investigation or action on its own motion, the commission must make a record indicating the date of filing or initiation, the name and address of complainant, the name and address of respondent, and a brief statement of the allegations made. This record must also show the final disposition of the matter when it is completed.

38.5(6) All commission files must be kept in permanent form at the office of professional regulation.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 5, 2007; December 13, 2017, effective January 1, 2018]

Rule 38.6 Investigation procedure.

- **38.6(1)** Upon receipt of a complaint, the commission may notify the complainant in writing that the complaint has been received and will be considered by the commission.
- **38.6(2)** Upon receipt of a complaint, the commission must cause the complaint to be set for consideration by the commission at its next meeting.
- **38.6(3)** When considering a complaint, the commission must act in accordance with the following guidelines:
- a. If it reasonably appears from the complaint that the respondent is not engaged in the unauthorized practice of law, the chair or the chair's designee must notify the complainant in writing of the commission's position and that the commission will take no further action.
- b. Other complaints may be further investigated and acted upon by the commission consistent with this chapter and, if appropriate, referral may be made to the Iowa Supreme Court Attorney Disciplinary Board, the Iowa Department of Justice, or some other agency or entity.
- c. If the commission determines that a complaint should be investigated further, it may direct that the investigation be conducted by a commission member or members or by the assistant director.
- d. If the commission in its discretion determines that it would be helpful for the respondent to provide a written response to the matters alleged in the complaint, it may direct that the respondent be so notified. In such circumstances the respondent must be notified of the substance of the complaint and that it is requested, but not required, that within 20 days the respondent provide a written response to the commission concerning the matters referred to in the notice.
- e. The commission may request the complainant to clarify the complainant's original statement, to furnish additional information, to disclose sources of information, or to verify by affidavit statements of fact within the complainant's knowledge.
 - f. The commission may also initiate inquiries of other sources.
- **38.6(4)** Nothing in this rule prohibits the chair of the commission from referring any complaint for investigation in advance of the next commission meeting when, in the chair's discretion, such referral is warranted.

[Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

- **Rule 38.7 Determination following investigation.** After the results of an investigation are returned to the commission, the commission may do any of the following:
 - **38.7(1)** Close the file and so notify the complainant.
- **38.7(2)** Contact the respondent to obtain an agreement by the respondent to cease and desist from the unauthorized practice of law.
- **38.7(3)** Initiate an action pursuant to Iowa Court Rule 37.2. [Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 38.8 Confidentiality.

38.8(1) All unauthorized practice of law investigation matters, including but not limited to files, correspondence, investigation reports, memoranda, and records of investigations, are confidential unless otherwise provided in this chapter or ordered by the Iowa Supreme Court. All statements, communications, or materials that may be received or obtained by any person investigating any complaint on behalf of the commission must also be confidential unless otherwise provided in this chapter or ordered by the Supreme Court of Iowa.

38.8(2) Notwithstanding rule 38.8(1):

- a. If the commission initiates an action pursuant to Iowa Court Rule 37.2, the petition and all documents filed in that proceeding are public documents.
- b. The chairperson or other designee of the commission may issue one or more clarifying announcements when the subject matter of a complaint or petition is of broad public interest. No

other member of the commission may make any public statement concerning any matter before the commission without prior approval of the commission.

- c. Pursuant to the commission's order, records may be inspected by and their contents disclosed to a person conducting bona fide research for research purposes, provided that no personal identifying data or work product of commission counsel is disclosed to such a person.
 - d. Nothing in this chapter prohibits the commission from releasing information to its counsel.
- e. Nothing in this chapter prohibits the commission from releasing information as appropriate to the Iowa Supreme Court, the Iowa Department of Justice, the Iowa Supreme Court Attorney Disciplinary Board, appropriate law enforcement authorities, or some other agency or entity. [Court Order February 17, 1992, effective July 1, 1992; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 38.9 Immunity. Members of the commission and their respective staffs are immune from suit for any conduct in the course of their official duties. Complaints submitted to the commission, and testimony with respect thereto, are privileged and no lawsuit predicated thereon may be instituted. [Court Order February 17, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

CHAPTER 39 CLIENT SECURITY COMMISSION

Rule 39.1	Client Security Commission
Rule 39.2	Principal executive officer
Rule 39.3	Clients' Security Trust Fund of the Bar of Iowa
Rule 39.4	Audit; banking; budget
Rule 39.5	Annual disciplinary fee
Rule 39.6	Fund assessments
Rule 39.7	Exemption; retirement
Rule 39.8	Enforcement
Rule 39.9	Claims
Rule 39.10	Investigations; audits
Rule 39.11	Annual questionnaire
Rule 39.12	Investigations; audits; annual questionnaire; enforcement
Rule 39.13	Attorneys acting as fiduciaries
Rule 39.14	Reinstatement from exemption or suspension
Rule 39.15	Denial of reinstatement for failure to comply with certain obligations
Rule 39.16	Attorneys practicing in Iowa under the multijurisdictional practice rule
Rule 39.17	Collection of court costs and other fees
Rule 39.18	Requirement for death or disability designation and authorization

CHAPTER 39 CLIENT SECURITY COMMISSION

Rule 39.1 Client Security Commission.

- **39.1(1)** *Commission.* There is hereby created a Client Security Commission (commission), which has the duties and powers provided in this chapter.
- **39.1(2)** *Duties of commission.* The commission has the following duties and powers as limited and defined in this chapter:
- a. To examine lawyer defalcations and breaches of Iowa Rules of Professional Conduct, the rules relating to the discipline of members of the Iowa bar, and to make recommendations to the supreme court concerning rule changes deemed necessary or desirable in this area.
- b. To assist the court in administering both preventive and remedial attorney disciplinary procedures contained in these rules or other court rules.
- c. To administer and operate the Clients' Security Trust Fund of the Bar of Iowa, as hereinafter created, designated as the "fund."
- **39.1(3)** Appointment of commissioners. The supreme court will appoint five members of the Iowa bar and two laypersons who are residents of this state to the commission. All appointments will be for a term of four years, and any commissioner who has served two full terms is not eligible for reappointment. A vacancy occurring during a term will be filled by the supreme court for the unexpired portion thereof.
- **39.1(4)** Organization and meetings. The commissioners must organize annually and elect from among their number a chair and a treasurer to serve for a one-year term and such other officers for such terms as they deem necessary or appropriate. Meetings thereafter will be held at the call of the chair or of the majority of the commissioners. Five commissioners will constitute a quorum and may transact all business except as may be otherwise provided by this chapter and chapter 40 of the Iowa Court Rules.
- **39.1(5)** *Regulations.* The commission may adopt regulations, consistent with this chapter and subject to the approval of the supreme court, concerning all of the powers and duties granted to and imposed upon the commission by this chapter.
- **39.1(6)** Reimbursement. The commissioners must serve without compensation but are entitled to reimbursement from the fund for their expenses reasonably incurred in the performance of their duties.

[Court Order December 5, 1973; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; May 25, 2004; April 20, 2005, and July 1, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 39.2 Principal executive officer.

- **39.2(1)** Appointment. The director of the office of professional regulation serves as the principal executive officer of the commission. Wherever in this chapter a reference to the "director" appears, it refers to the director of the office of professional regulation. The director may designate an assistant director for boards and commissions to assist with the duties described in this chapter.
- **39.2(2)** *Duties of director.* Subject to the supervision of the supreme court and the commission, the director must do the following:
- a. Collect attorney fees and assessments for the fund and report to the commission the names and addresses of all attorneys who fail to pay the fee and assessment.
- b. Serve as executive secretary to the commission and assist in the operation and administration of the fund.
- c. Conduct investigations and audits of attorneys' accounts and office procedures to determine compliance with this chapter, Iowa Rule of Professional Conduct 32:1.15, and chapter 45 of the Iowa Court Rules and report violations to the commission.
- d. Maintain an office in such place as the supreme court may designate, act as a liaison between the court, the commission, and other commissions, committees, boards, and personnel serving a function in the disciplinary system, and maintain for the court records of disciplinary proceedings and such other information and data as the court requires.
- e. Upon request of the commission, institute disciplinary proceedings before the grievance commission pursuant to chapter 36 of the Iowa Court Rules.

f. Perform such other functions and duties as may be directed by the supreme court. [Court Order December 5, 1973; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 39.3 Clients' Security Trust Fund of the Bar of Iowa.

- **39.3(1)** *Creation, operation and purpose.* A trust fund, to be known as the "Clients' Security Trust Fund of the Bar of Iowa" (fund) is hereby authorized and created.
- **39.3(2)** *Administration.* The fund will be operated and administered by the commission in accordance with this chapter.
- **39.3(3)** *Purpose.* The purpose of the fund is to prevent defalcations by members of the Iowa bar, and insofar as practicable, to provide for the indemnification by the profession for losses caused to the public by the dishonest conduct of members of the bar of this state, and to provide funding for the administration of the lawyer disciplinary system and other programs that impact the disciplinary system including, but not limited to, the Iowa Lawyer's Assistance Program.
- **39.3(4)** *Powers and duties of commission relating to the fund.* The commission, in addition to the powers granted elsewhere in this chapter, also has the following powers and duties:
- a. To receive, hold, manage, and distribute, pursuant to the direction of the supreme court and this chapter, the moneys raised hereunder, and any other amounts that may be received by the fund through voluntary contributions or otherwise.
- b. To adopt, subject to the approval of the supreme court, regulations for the administration of the fund and the procedures for presentation, consideration, recognition, rejection and payment of claims, and for conducting business. A copy of such regulations must be filed with the clerk of the supreme court
 - c. To enforce claims for restitution arising by subrogation or assignment or otherwise.
- d. To invest the fund, or any portion thereof, in those investments and in the percentages authorized by Iowa Code section 97B.7, (investments for the Iowa Public Employees' Retirement System); provided, however, the commission is not required to invest such portions of the fund as it may deem necessary to be currently available for payment of claims and other expenses required by this chapter. All interest or other income received in the operation of the fund will become a part of the fund.
 - e. To employ and compensate consultants, agents, legal counsel, and employees.
- f. To delegate the power to perform routine acts that may be necessary or desirable for the operation of the fund, including the power to authorize disbursements for routine operating expenses of the fund, and all necessary expenses of the assistant administrator and staff in the performance of their duties. Authorization for payment of claims, however, may be made only by the commission under the provisions of this chapter.
 - g. To sue in the name of the commission without joining any or all individual commissioners.
- h. To purchase complementary fidelity coverage for the fund in such amount and with such limitations or deductible limits as in its discretion it determines proper.
- i. To pay reasonable and necessary attorney fees incurred by the commission in connection with disciplinary proceedings based on attorney defalcations or which are initiated pursuant to rule 39.2(3)(e).
- j. To fund programs that the commission believes will assist in preventing defalcations by attorneys. The annual allocation for any such program must not exceed two and one-half percent of the fund value as of the beginning of the fiscal year in which the funding is to occur. No such funding may be provided unless there is at least twice the minimum balance required by rule 39.6(3) in the fund at the beginning of the fiscal year in which the funding is to occur.
- **39.3(5)** Applications to the supreme court. The commission may apply to the supreme court for interpretations of this chapter and of the extent of the commission's powers thereunder and for advice regarding the proper administration of the fund. Interpretations of the supreme court are obligatory when rendered.

[Court Order November 9, 2001, effective February 15, 2002; November 26, 2013, effective December 1, 2013; December 13, 2017, effective January 1, 2018]

Rule 39.4 Audit; banking; budget.

39.4(1) Audit and report. On March 1 of each year, and at such additional times as the supreme court may order, the commission must file with the supreme court a written report reviewing in detail

the administration of the fund during the preceding calendar year together with an audit of the fund certified by a certified public accountant licensed to practice in Iowa.

- **39.4(2)** Banking and disbursements. The director of the office of professional regulation must maintain the assets of the fund in a separate account and may disburse moneys from the fund only at the direction of the supreme court or upon the action of the commission pursuant to this chapter. A separate bookkeeping account designated as the disciplinary fund account must be maintained within the fund for moneys derived from the annual disciplinary fee set out in rule 39.5. Fees, penalties, or investment income derived from the investment of the income from annual disciplinary fees and penalties must be placed in the disciplinary fund account.
- **39.4(3)** Budget. At least 60 days prior to the commencement of each fiscal year or on a date otherwise specified by the supreme court, the director of the office of professional regulation must submit to the supreme court its budget of operations of such year, which may be amended thereafter as necessity dictates.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 39.5 Annual disciplinary fee. As a condition to continuing membership in the bar of the supreme court, including the right to practice law before Iowa courts, every bar member, unless exempt or retired, must pay to the commission through the office of professional regulation an annual fee as determined by the supreme court to finance the disciplinary system. The annual fee is due on or before March 10 of each year, for that calendar year. A calendar year is defined as the period of time from January 1 through December 31. A member of the bar of the supreme court who certifies in writing to the commission that the member is a justice, judge, associate judge, or full-time magistrate of any court, spends full time in the military service of the United States following admission to the Iowa bar, is admitted on examination to the bar of Iowa during the current calendar year, or is issued a certificate of exemption or a certificate of retirement pursuant to the provisions of rule 39.7 is exempt from payment of this fee.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007; December 2, 2011; April 25, 2014; August 19, 2016, effective September 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 39.6 Fund assessments.

39.6(1) Assessments. As a condition to continuing membership in the bar of Iowa, including the right to practice law before Iowa courts, every bar member, unless exempt or retired under the provisions of rule 39.6(6) or rule 39.7, must pay to the commission through the office of professional regulation the assessment specified in rule 39.6(2), 39.6(3), or 39.6(4), or as provided by court order. The assessment is to be paid annually and deposited in the fund created pursuant to the provisions of rule 39.3. Assessments are due on or before March 10 of each year, for that calendar year. A calendar year is defined as the period of time from January 1 through December 31.

39.6(2) *Initial and regular assessment schedule.*

For the years after an initial total of \$200 in assessments has been paid, unless a special assessment is payable under rule 39.6(4), a regular annual assessment of \$50 annually. [Court Order June 13, 1979; November 13, 1984; November 15, 1985; November 11, 1986; November 19, 1987; October 20, 1988; November 16, 1989; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; December 5, 2007; November 26, 2013, effective December 26, 2013]

39.6(3) Certificate of sufficiency. The commission must determine the net value of the cash and securities in the fund as of December 1 of each year. The commission must file with the supreme court prior to December 31 of each year a certificate regarding sufficiency of the fund. Whenever the value of such assets equals less than \$900,000, after deducting all claims and requests for reimbursement against the fund, not disposed of at the date of valuation, and all expenses properly chargeable against the fund, a special assessment as set forth in rule 39.6(4) will be payable for the next calendar year after the date of the certificate of sufficiency. This special assessment will be paid in lieu of the regular assessment set in rule 39.6(2) by each member of the bar who has already paid the \$200

initial assessment.

Comment: The November 26, 2013, amendment to new rule 39.6(3), raising the threshold used to calculate the sufficiency of the fund, is effective for the sufficiency calculation to be performed beginning December 1, 2013.

- **39.6(4)** Special assessment. For any calendar year in which a special assessment is payable in lieu of the regular assessment set in rule 39.6(2), the special assessment is established as follows:
- a. Lawyers in full-time private practice. Members of the bar of Iowa in full-time private practice must pay to the commission a special assessment of \$140.
- b. Lawyers in part-time private practice. Members of the bar of Iowa who derive net income of less than \$10,000 from the practice of law in Iowa during the preceding calendar year must pay to the commission a special assessment of \$70. Net income from the practice of law for the purposes of this rule is that amount shown on the federal income tax return of such members for the appropriate year as "profit or loss from a business or profession." The commission may require members so electing to submit to the commission a copy of their federal income tax return for the appropriate year to substantiate the amount due hereunder.
- c. Judges, government attorneys, corporate counsel. Any member of the bar of Iowa who certifies in writing to the commission that the member is a justice, judge, associate judge, or full-time magistrate of any court, or one who performs legal services only for a governmental unit, or one who performs legal services only for a particular person, firm, or corporation (other than a professional legal corporation or a law firm) and stands in the legal capacity with such person, firm, or corporation as an employee, must pay to the commission a special assessment of \$70. However, a retired judge or justice recalled for temporary service is not required to pay an assessment or surrender their certificate of exemption.
- **39.6(5)** *Multijurisdictional practitioners.* Lawyers practicing in Iowa under the provisions of rule of professional conduct 32:5.5(d)(2) and rule 39.16 must pay the same initial, regular, and special assessments as members of the bar of Iowa in private practice.
- **39.6(6)** Members in full-time military service. Any member of the bar of Iowa who certifies in writing that the member is serving full-time in the military service of the United States is exempt from any assessment under this rule.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007; November 26, 2013, effective December 26, 2013; April 25, 2014; August 19, 2016, effective September 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 39.7 Exemption; retirement.

- **39.7(1)** Certificate of exemption. A member of the bar of the supreme court who is not engaged in the practice of law in the State of Iowa may be granted a certificate of exemption by the commission, and thereafter no fee or assessment except for an annual exemption fee of \$50 and late filing penalties will be required from such member unless the member thereafter engages in the practice of law in the State of Iowa, in which case the certificate of exemption must without further order of court stand revoked, and the member must file at once the statement required by rule 39.8(1) and the questionnaire required by rule 39.11 and pay the fee and assessment due under rules 39.5 and 39.6. A member of the bar requesting a certificate of exemption must file with the director such part of the rule 39.11 questionnaire as the director may deem necessary to determine the member's status. Applications for a certificate of exemption must be submitted concurrently under rules 39.7(1), 41.7, and 42.6.
- **39.7(2)** Certificate of relinquishment. A member of the bar of the supreme court who does not intend ever again to practice law in Iowa may be granted a certificate of relinquishment. Thereafter, no fee, assessment, annual statement, or questionnaire is required from such member. A member granted a certificate of relinquishment is not entitled to practice law in the State of Iowa and may not apply for reinstatement, but the member may be certified as an emeritus attorney under Iowa Court Rule 31.19. A member granted a certificate of relinquishment who desires to again practice law other than as an emeritus attorney must seek admission under the provisions of chapter 31 of the Iowa Court Rules. A member of the bar requesting a certificate of relinquishment must file with the director such part of the rule 39.11 questionnaire as the director may deem necessary to determine the member's status. Applications for a certificate of relinquishment must be submitted concurrently under rules 39.7(2) and 41.13.
- **39.7(3)** Practice of law. The practice of law as that term is employed in this chapter includes the following: examining abstracts; consummating real estate transactions; preparing legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; representing others in any Iowa courts;

the right to represent others in any Iowa courts; regularly preparing legal instruments; securing legal rights, advising others as to their legal rights or the effect of contemplated actions upon their legal rights, or holding oneself out to so do; instructing others in legal rights; and being a judge or one who rules upon the legal rights of others unless neither state nor federal law requires the person so judging or ruling to hold a license to practice law.

39.7(4) *Transition provisions.*

- a. The provisions of rule 39.7(1) regarding an annual \$50 fee for exempt practitioners and concurrent application for exempt status and of rule 39.7(2) regarding a separate fully relinquished status are effective January 1, 2018.
- b. On or before December 31, 2017, attorneys in active status may apply for and be granted exempt status without payment of an annual fee, or emeritus status under Iowa Court Rule 31.19.
- c. On or after January 1, 2018, attorneys in active status may apply for and be granted exempt status with payment of an annual fee, emeritus status under rule 31.19, or retired status under rule 39.7(2).
- d. Attorneys who are in exempt status as of December 31, 2017, will be accorded legacy status. Attorneys in legacy status will have no fee payment or reporting responsibilities. For a period of five years commencing January 1, 2018, and ending December 31, 2022, attorneys in legacy status may apply for conversion to exempt status, emeritus status under rule 31.19, relinquished status under rule 39.7(2), or reinstatement to active status under rule 39.14(3). On or after January 1, 2023, attorneys in legacy status are not entitled to apply for conversion to exempt status or apply for reinstatement to active status under rule 39.14(3), but they may apply for emeritus status under rule 31.19 or relinquished status under rule 39.7(2).

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007; August 19, 2016, effective September 1, 2016, rules 39.7(1) and 39.7(2), effective January 1, 2018; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 39.8 Enforcement.

39.8(1) To facilitate the collection of the annual fees and assessments provided for in rules 39.5, 39.6, 39.7(1), and 39.17, all members of the Iowa bar required to pay the fees and assessments must, on or before March 10 of each year, file a statement, on a form prescribed by the director, setting forth their date of admission to practice before the supreme court, their current residence and office addresses, and such other information as the director may from time to time direct. In addition to such statement, every bar member must file a supplemental statement of any change in the information previously submitted within 30 days of such change. All persons admitted to practice before the supreme court must file the statement required by this rule at the time of admission but no annual fees or assessments are payable until the time above provided. All attorneys failing to file the required statement by March 10 of each year must, in addition to the annual fees and assessments provided for above, pay a penalty as set forth in the following schedule if the statement is filed after March 10. The penalty fees collected will be used to pay the costs of administering the fund, or for such other purposes within the office of professional regulation as the supreme court may direct.

Penalty schedule:

If filed:	Penalty:
After March 10 but before April 12	\$100
After April 11 but before May 12	\$150
After May 11 but before June 12	\$200
After June 11	\$250

39.8(2) Attorneys who fail to timely pay the fees and assessments required under rules 39.5, 39.6, 39.7(1), and 39.17, or fail to file the statement or supplement thereto provided in rule 39.8(1), may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, a notice of delinquency has been served upon them in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305, or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys must be given the opportunity during said 15 days to file in duplicate in the office of professional regulation an affidavit disclosing facts demonstrating the noncompliance was not willful

and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of the clerk of the supreme court a request for hearing to show cause why their license to practice law should not be suspended. A hearing must be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney must be notified thereof by either of the two methods provided above for notice of delinquency.

- 39.8(3) Any attorney suspended pursuant to this chapter must do all of the following:
- a. Within 15 days in the absence of co-counsel, notify clients in all pending matters to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.
- b. Within 15 days, deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property.
 - c. Within 30 days, refund any part of any fees paid in advance that have not been earned.
- d. Within 15 days, notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties, of the suspension and consequent disqualification to act as a lawyer after the effective date of such discipline.
- e. Within 15 days, file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.
 - f. Keep and maintain records of the steps taken to accomplish the requirements of this rule.
- g. Within 30 days, file with the supreme court and with the Iowa Supreme Court Attorney Disciplinary Board proof of complete performance of the foregoing, which is a condition for application for readmission to practice.
- **39.8(4)** Any attorney suspended pursuant to this chapter must refrain during such suspension from all facets of the ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; and acting as a fiduciary. Such suspended attorney may, however, act as a fiduciary for the estate, conservatorship, or guardianship of any person related to the suspended attorney within the second degree of affinity or consanguinity.
- **39.8(5)** Attorneys who have been suspended pursuant to this chapter or who currently hold a certificate of exemption or certificate issued pursuant to rule 39.7(2) and who practice law or who hold themselves out as being authorized to practice law in this state are engaged in the unauthorized practice of law and may also be held in contempt of the court or may be subject to disciplinary action as provided by chapter 35 of the Iowa Court Rules.
- **39.8(6)** Copy of application for reinstatement. An attorney who has been summarily suspended under this rule must file an application with the clerk of the supreme court for reinstatement, and a copy of said application must be forwarded to the director of the office of professional regulation and to the Iowa Supreme Court Attorney Disciplinary Board at least 10 days prior to any action upon the application.

Comment: Rule 39.8(6) formerly appeared as Iowa Court Rule 40.7. [Court Order December 13, 2017, effective January 1, 2018]

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; April 25, 2008; June 5, 2008, effective July 1, 2008; January 19, 2010; April 25, 2014; November 20, 2015, effective January 1, 2016; August 19, 2016, effective September 1, 2016; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 39.9 Claims.

- **39.9(1)** The commission will consider for payment all claims resulting from the dishonest conduct of a member of the bar of this state acting either as an attorney or fiduciary, provided that all of the following are established:
- a. The conduct was engaged in while the attorney was a practicing member of the bar of this state, and the claim arises out of the practice of law in this state. The commission must not consider any claim resulting from conduct engaged in after an attorney's license to practice in Iowa has been revoked. For purposes of this rule, a practicing member of the bar of this state is:
- (1) A member of the bar of Iowa whose license is active and in good standing at the time of the dishonest conduct giving rise to the claim.
- (2) A member of the bar of Iowa whose license has been suspended and whom the client reasonably believes to be licensed, active, and in good standing at the time of the dishonest conduct giving rise to

the claim. If the attorney has been suspended more than six months prior to the time of the dishonest conduct giving rise to the claim, it will be presumed that the client was unreasonable in believing that the attorney was licensed, active, and in good standing at the time of the dishonest conduct.

- (3) An attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under the provisions of rule of professional conduct 32:5.5(d)(2) and pays the annual fee and assessment due under rules 39.5 and 39.6.
 - b. Such defalcation or dishonest conduct occurred after January 1, 1974.
- c. The claim is made within one year after the client's discovery of the loss; provided, however, such time limitation in unusual circumstances may be extended by the commission in its discretion for good cause shown.
- d. The claim is made directly by or on behalf of the injured client or the client's personal representative or, if a corporation, by or on behalf of itself or its successors in interest.
- e. The commission is satisfied that there is no other source or collateral source for the reimbursement of the loss.
- f. The claim did not arise out of an employer-employee relationship as distinguished from a lawyer-client relationship or a fiduciary relationship.
- 39.9(2) The commission is invested with the power, which it will exercise in its sole discretion, to determine whether a claim merits reimbursement from the fund, and if so, the amount of such reimbursement, the time, place, and manner of its payment, the conditions upon which payment will be made, and the order in which payment will be made. The commission's powers in this respect may be exercised only by the affirmative vote of at least four commissioners. In making such determinations, the commission may consider among other appropriate factors, the following:
- a. The amounts available and likely to become available to the fund for the payment of claims and the size and number of claims which are likely to be presented.
- b. The total amount of reimbursable losses in previous years for which total reimbursement has not been made, if any, and the total assets of the fund.
- c. The amount of the claimant's loss as compared to the amount of losses sustained by other eligible claimants.
 - d. The degree of hardship suffered by the claimant as a result of the loss.
 - e. The degree of negligence, if any, of the claimant which may have contributed to the loss.
- f. The total amount of losses caused by defalcations of any one attorney or associated group of attorneys.
- **39.9(3)** By regulation approved by the supreme court, the commission must fix the maximum amount that any one claimant may recover from the fund and the aggregate maximum amount that may be recovered because of the dishonest conduct of any one attorney.
- 39.9(4) No claimant or any other person or organization has any right in the fund as third-party beneficiary or otherwise. Reimbursement by claim on the fund is a matter of grace and not of right.
- **39.9(5)** The commission may require as a condition to payment that the claimant execute an assignment of claimant's right against the defaulting lawyer.
- 39.9(6) No claimant need be represented by counsel before the commission. No attorney representing a claimant will receive a fee for services from the fund. Any agreement for compensation between a claimant and any attorney retained for prosecution of the claim is subject to the approval of the commission.
- **39.9(7)** The commission may request individual lawyers, bar associations, and other organizations of lawyers to assist the commission in the investigation of claims.
- **39.9(8)** The payment or denial of any claim filed under the provisions of this rule is inadmissible as evidence in any disciplinary or contempt proceeding.
- [Court Order December 5, 1973; April 22, 1974; October 16, 1974; April 9, 1975; April 10, 1975; August 29, 1975; October 28, 1976; November 21, 1977; January 15, 1979; June 20, 1980; April 21, 1982; November 13, 1984; April 25, 1985; February 16, 1990, effective March 15, 1990; December 15, 1994, effective January 3, 1995; March 6, 1995; January 24, 2000; November 9, 2001, effective February 15, 2002; February 20, 2012; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.10 Investigations; audits.

39.10(1) Each member of the bar of Iowa, in filing the statement required by rule 39.8(1), must authorize the director to investigate, audit, and verify all funds, securities, and other property held in trust by the member, and all related accounts, safe deposit boxes, and any other forms of maintaining trust property as required by Iowa Rule of Professional Conduct 32:1.15 and chapter 45 of the

Iowa Court Rules, together with deposit slips, canceled checks, and all other records pertaining to transactions concerning such property.

- **39.10(2)** Each member of the bar of Iowa must comply promptly with any request by the director to execute and deliver to the director a written authorization, directed to any bank or depository, for the director to audit and inspect such accounts, safe deposit boxes, securities, and other forms of maintaining trust property by the member in such bank or other depository.
 - **39.10(3)** Each member of the bar of Iowa must do all of the following:
- a. Cooperate fully with the director in any investigation, audit, or verification of any funds, securities, or property held in trust by that lawyer.
- b. Answer all questions posed by the director that relate to any investigation, audit, or verification, unless claiming the privilege against self-incrimination.
- c. Retain complete records of all trust fund transactions for a period of not less than six years following completion of the matter to which they relate, in accordance with Iowa Rule of Professional Conduct 32:1.15 and Iowa Court Rule 45.2(3).
- **39.10(4)** The commission with the approval of the supreme court may retain, compensate from the fund, and furnish as staff for the director, such public or certified accountants, investigators, or attorneys as may be deemed necessary to carry out the duties and functions imposed upon the director. When acting under the director's supervision and direction, such staff personnel have all the powers granted to the director by this chapter.
- **39.10(5)** When the investigation, audit, or verification provisions of this chapter disclose, in the opinion of the director, a violation of the Iowa Rules of Professional Conduct, or when the member of the bar of Iowa affected by the investigation, audit, or verification has refused to comply with the provisions of this chapter, the director must promptly report such circumstances to the commission. A copy of such report must be furnished to the member affected.
- **39.10(6)** Client trust funds and property held by an Iowa licensed attorney whose law office is situated in another state are not subject to investigation, audit, or verification except to the extent such funds and property are related to matters affecting Iowa clients. State or federal funds or property subject to state or federal auditing procedures and in control of an Iowa licensed attorney employed full- or part-time by a state or the United States are not subject to investigation, audit, or verification under the provisions of this chapter.
- **39.10(7)** The costs of performing a trust account audit must be assessed to the attorney or attorneys who are signatories on the account if the audit reveals the account was not in substantial compliance with Iowa Rule of Professional Conduct 32:1.15 or chapter 45 of the Iowa Court Rules, and one or more of the following circumstances caused performance of the audit:
- a. A claim for reimbursement was filed under the provisions of rule 39.9 based on the alleged conduct of the attorney or attorneys who are signatories on the account.
- b. A notice of insufficient funds to honor an instrument drawn on the account was reported to the commission under the provisions of Iowa Court Rule 45.4(4)(c).
- c. A complaint alleging an attorney signatory on the account committed a disciplinary infraction was filed with the attorney disciplinary board under the provisions of Iowa Court Rule 35.1.
- d. An attorney signatory on the account was suspended from practice under the provisions of chapter 35 of the Iowa Court Rules.
- e. An attorney signatory on the account failed to timely file the statement and questionnaire required by rule 39.8.
- f. An attorney signatory on the account was served a 15-day notice under rule 39.8(2) based on failure to cooperate with investigation and audit of the account as required by rule 39.10.
- g. A trustee was appointed under the provisions of Iowa Court Rule 34.17 or 34.18 for an attorney signatory on the account.
- h.. An attorney signatory on the account was issued a certificate of noncompliance pursuant to Iowa Court Rule 34.20(1), 34.21(1), or 34.22(1).
- **39.10(8)** Costs assessed under rule 39.10(7) are due upon assessment by the commission. Costs assessed under this rule must be paid as a condition of reinstatement, and may be collected by the commission as part of the annual statement and assessment required by rule 39.8 if not previously paid.
- [Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; November 20, 2015, effective January 1, 2016; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.11 Annual questionnaire.

39.11(1) The director, under the supervision of the supreme court and the commission, will prepare a questionnaire to be annually submitted to and completed by each member of the bar of Iowa, except those who have been issued a certificate of exemption pursuant to rule 39.7. The questionnaire may be, but is not required to be, incorporated as a part of the annual statement provided in rule 39.8(1). This purpose of this questionnaire is to elicit information to determine whether the member is complying with the Iowa Court Rules, including but not restricted to, Iowa Rule of Professional Conduct 32:1.15 and chapter 45 of the rules. The commission may prescribe an electronic format for the questionnaire and annual statement and require submission of the questionnaire and annual statement in that form.

39.11(2) A failure to complete and return a questionnaire will be addressed as provided in rule 39.12.

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; June 5, 2008, effective July 1, 2008; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.12 Investigations; audits; annual questionnaire; enforcement.

39.12(1) Failure of bar members to cooperate.

- a. The right of a member of the Iowa bar to practice law in this state is conditioned upon the member executing and delivering the authorization provided in rule 39.10(2), furnishing the cooperation required in rule 39.10(3), and completing and returning the annual questionnaire described in rule 39.11. Upon failure of a member of the Iowa bar to comply with any of the rules specified in this paragraph, the member's right to practice law before Iowa courts may be suspended, following the procedure specified in rule 39.8(2).
- b. A member of the bar of Iowa who willfully fails to comply with the rules enumerated in rule 39.12(1)(a) may be held in contempt of the supreme court or may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules.

39.12(2) Violation of the Iowa Rules of Professional Conduct.

- a. When the audit, investigation, or verification of funds, securities, or other property held in trust by any member of the bar of Iowa, or an answer of any member on the annual questionnaire, discloses an apparent violation of the Iowa Rules of Professional Conduct, the director upon request of the commission, or the commission, may institute disciplinary proceedings under chapter 36 of the Iowa Court Rules for the suspension or revocation of the member's license to practice law in this state.
- b. All information obtained by the director and staff by virtue of the audits, investigations and verifications, and annual questionnaire, must be held in strict confidence by them and by the supreme court and the commission unless otherwise directed by the supreme court or unless proceedings are initiated pursuant to chapter 36 of the Iowa Court Rules or Iowa Code section 602.10123. If proceedings are initiated pursuant to chapter 36 of the Iowa Court Rules, such information relating to the named respondent may be released only to the respondent, the disciplinary board, and the grievance commission. If proceedings are initiated pursuant to Iowa Code section 602.10123, such information relating to the named accused may be released only to the accused and the attorney general or the special assistant attorney general designated pursuant to Iowa Code section 602.10127, to prosecute the charges.

39.12(3) Commission subpoena authority.

effective January 1, 2018]

- a. The commission has subpoen power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person designated to conduct the investigation on behalf of the commission.
- b. The commission chair, or other commission member in the absence of the chair, has the authority to issue a subpoena.
- c. The district court for the county in which the investigation is being conducted has jurisdiction over any objection or motion relating to a subpoena and authority to punish disobedience of a subpoena in a contempt proceeding.
- d. Counsel for the commission, the director, or any other person authorized to administer oaths has authority to administer an oath or affirmation to a witness.

 [Court Order December 5, 1973; September 19, 1974; October 16, 1974; April 9, 1975; April 30, 1982; August 14, 1986, and August 18, 1986, effective September 2, 1986; May 10, 1990, effective July 2, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 9, 2003; April 20, 2005, effective July 1, 2005; December 5, 2007; December 10, 2012; December 13, 2017,

Rule 39.13 Attorneys acting as fiduciaries.

39.13(1) After January 1, 1974, unless a lawyer is the spouse of or is the son-in-law or daughter-in-law of or is related by consanguinity or affinity within the third degree to the decedent in an estate, the ward in a conservatorship, the settlor or beneficiary of a trust, or unless such attorney is coexecutor, cotrustee, or coconservator with another party or parties and such other party or parties will receive and pay out any of the funds, securities or other property of the estate, trust, or conservatorship, such lawyer must not be appointed by a court in any fiduciary capacity for an estate, trust, or conservatorship until the lawyer has posted a bond in an amount to be determined by the court with sureties approved by the court, and no waiver of such bond will be recognized by any court of this state. In the event the surety on the bond posted by the lawyer is not a corporate surety, the surety thereon must not be the ward, any beneficiary or distributee or be related to the lawyer, the ward, or any beneficiary or distributee within the third degree of consanguinity or affinity.

39.13(2) A lawyer who willfully fails to comply with the provisions of this rule may be held in contempt of the supreme court, or may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules.

[Court Order November 9, 2001, effective February 15, 2002; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.14 Reinstatement from exemption or suspension.

39.14(1) An attorney who has been suspended for failure to pay the annual fee or assessment or for failure to file the statement, supplement, or questionnaire required by these rules may be reinstated upon a showing that such failure was not willful and by filing the statement required by rule 39.8(1) and the questionnaire required by rule 39.11. An attorney seeking reinstatement after suspension for failure to comply with the provisions of this rule must pay all delinquent fees, assessments and late filing penalties due under rules 39.5, 39.6, 39.8, and 39.17, and a reinstatement fee of \$100.

39.14(2) An attorney who seeks or applies for reinstatement from suspension under chapters 34 or 36 of the Iowa Court Rules must first file the statement required by rule 39.8(1) and the questionnaire required by rule 39.11, pay all fees, assessments, and late filing penalties due and unpaid under rules 39.5, 39.6, 39.8, and 39.17, pay the current fee and assessment required by rules 39.5 and 39.6, and pay a reinstatement fee of \$100.

39.14(3) An attorney who has been granted a certificate of exemption under the provisions of rule 39.7 may be reinstated after filing the statement required by rule 39.8(1) and the questionnaire required by rule 39.11, paying all fees, assessments, and late filing penalties due and unpaid, and paying the current fee and assessment required by rules 39.5 and 39.6.

[Court Order April 25, 2008; August 10, 2009; November 20, 2015, effective January 1, 2016; December 10, 2012; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 39.15 Denial of reinstatement for failure to comply with certain obligations.

39.15(1) Denial of reinstatement for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The supreme court may deny an attorney's application for reinstatement under rule 39.14 for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The procedure is governed by Iowa Court Rule 34.22.

39.15(2) Denial of reinstatement for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The supreme court may deny an attorney's application for reinstatement under rule 39.14 for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The procedure is governed by Iowa Court Rule 34.21.

39.15(3) Denial of reinstatement for failure to comply with a support order. The supreme court may deny an attorney's application for reinstatement under rule 39.14 for failure to comply with a support order. The procedure is governed by Iowa Court Rule 34.20.

[Court Order June 5, 2008, effective July 1, 2008; February 20, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.16 Attorneys practicing in Iowa under the multijurisdictional practice rule. An attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under the provisions of rule of professional conduct 32:5.5(d)(2) must file the annual statement required by rule 39.8(1) and annual questionnaire required by rule 39.11, pay the annual fee and assessment due under rules 39.5 and 39.6, comply with all provisions of chapter 45 of the

Iowa Court Rules, cooperate with investigations and audits under rule 39.10, and be subject to the provisions of rules 39.12 and 39.17.

[Court Order December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.17 Collection of court costs and other fees.

- **39.17(1)** As a part of the annual statement provided by rule 39.8(1), the office of professional regulation must assess against each active attorney all fees, penalties, or court costs due any district court clerk or the clerk of the supreme court, or the office of professional regulation, and any client security trust fund claim reimbursement due the Client Security Commission, that are a personal obligation of such attorney, as of the preparation date of the annual statement.
- **39.17(2)** As a condition to continuing or regaining membership in the bar of the supreme court, including the right to practice before Iowa courts, every bar member must pay to the supreme court through the office of professional regulation, all fees, penalties, court costs, and client security trust fund claim reimbursements assessed on the annual statement.
 - **39.17(3)** Assessments are due on or before March 10 of each year.
- **39.17(4)** The director of the office of professional regulation must pay to the state general fund all fees, penalties, and court costs due the state general fund and collected under this provision. [Court Order November 20, 2015, effective January 1, 2016; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 39.18 Requirement for death or disability designation and authorization.

- **39.18(1)** Required designation and authorization in annual questionnaire.
- a. Each attorney in private practice must identify and authorize each year, as part of the annual questionnaire required by rule 39.11, a qualified attorney-servicing association, an Iowa law firm that includes Iowa attorneys in good standing, or an active Iowa attorney in good standing, to serve as the attorney's designated representative or representatives under this rule. An attorney may identify and authorize an Iowa law firm of which the attorney is a member to serve under this rule.
- b. The attorney or entity designated under this rule is authorized to review client files, notify each client of the attorney's death or disability, and determine whether there is a need for other immediate action to protect the interests of clients.
- c. The attorney or entity designated under this rule also is authorized to serve as a successor signatory for any client trust account maintained by the private practitioner under Iowa Court Rule 45.11, prepare final trust accountings for clients, make trust account disbursements, properly dispose of inactive files, and arrange for storage of files and trust account records.
- d. The authority of the attorney or entity designated under this rule takes effect upon the death or disability of the designated attorney. The designated attorney or entity may apply to the chief judge of the judicial district in which the designating attorney practiced for an order confirming the death or disability of the designating attorney. A copy of the order will be delivered to the office of professional regulation.
- **39.18(2)** Client list and location of key information. Each attorney in private practice must maintain a current list of active clients, in a location accessible by the attorney or entity designated under this rule. As part of the annual questionnaire required by rule 39.11, each attorney in private practice must identify a person with knowledge of the location of the client list, a person with knowledge of the location of electronic and paper files and records, and a person with knowledge of the location of passwords and other security protocols required to access the electronic files and records. The attorney or entity designated under this rule is authorized to access electronic and paper files and records as necessary to perform duties as a designated attorney, and is authorized to access passwords and other security protocols required to access those electronic files and records.
- **39.18(3)** Supplemental plan. An attorney in private practice may prepare a written plan that is supplemental to the designation and authority in the annual client security questionnaire. The supplemental written plan may designate an attorney or entity to collect fees, pay firm expenses and client costs, compensate staff, terminate leases, liquidate or sell the practice, or perform other law firm administration tasks. The supplemental written plan also may nominate an attorney or entity to serve as trustee if proceedings are commenced under the provisions of Iowa Court Rule 34.17 or 34.18.
- **39.18(4)** *Durability.* A designation or plan under this rule must include language sufficient to make the designated attorney's or entity's powers durable in the event of the private practitioner's disability. *See* Iowa Code §633B.104; Iowa R. Prof'l Conduct 32:1.3 cmt. [5].

- **39.18(5)** Conflicts of interest. A designated attorney or entity must not examine any documents or acquire any information containing real or potential conflicts with the designated attorney's clients. Should any such information be acquired inadvertently, the designated attorney or entity must, as to such matters, protect the privacy interests of the planning attorney's clients by prompt recusal or refusal of employment.
- **39.18(6)** Availability of trustee provisions. A designated attorney or entity may petition the court, at any time, for appointment as the trustee or appointment of an independent trustee under the provisions of Iowa Court Rule 34.17 or 34.18, as applicable.
 - **39.18**(7) *Definitions*. For purposes of this rule, the following definitions apply:
- a. A "qualified attorney-servicing association" is a bar association, all or part of whose members are admitted to practice law in the State of Iowa, a company authorized to sell attorneys professional liability insurance in Iowa, or an Iowa bank with trust powers issued by the Iowa Division of Banking.
- b. A "law firm" is a minimum of two attorneys in a law partnership, professional corporation, or other association authorized to practice law.
- c. An "attorney in private practice" includes an active Iowa attorney who resides outside Iowa but engages in the private practice of law in Iowa.

[Court Order November 20, 2015, effective January 1, 2016; November 24, 2015, effective March 1, 2016; January 15, 2016, effective January 1, 2017; August 29, 2016, effective January 1, 2018; November 18, 2016, effective December 25, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

CHAPTER 40 REGULATIONS OF THE CLIENT SECURITY COMMISSION

Rule 40.1	Definitions
Rule 40.2	Applications for reimbursement
Rule 40.3	Processing applications
Rule 40.4	Subrogation for reimbursement made
Rule 40.5	General purposes
Rule 40.6	General provisions

CHAPTER 40 REGULATIONS OF THE CLIENT SECURITY COMMISSION

Rule 40.1 Definitions. For the purpose of this chapter, the following definitions apply:

"Commissioner" means the commissioners of the Client Security Commission.

"Dishonest conduct" means wrongful acts committed by a lawyer against a person in the manner of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property or other things of value.

"Fund" means the Clients' Security Trust Fund of the Bar of Iowa.

"Lawyer" means one who, at the time of the act complained of, had the right to practice law in the State of Iowa. The fact that the act complained of took place outside of Iowa does not necessarily mean that the lawyer was not engaged in the practice of law in Iowa.

"Reimbursable losses" means those losses as set out in Iowa Court Rule 39.9.

[Court Order November 9, 2001, effective February 15, 2002; July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 40.2 Applications for reimbursement.

40.2(1) The commissioners must prepare a form of application for reimbursement. In their discretion, the commissioners may waive a requirement that a request be filed on such form.

40.2(2) The form must require, at a minimum, the following information:

- a. The name and address of the lawyer.
- b. The amount of the alleged loss claimed.
- c. The date or period of time during which the alleged loss was incurred.
- d. Name and address of the party requesting reimbursement.
- e. The general statement of facts relative to the request for reimbursement.
- f. Verification by the party requesting reimbursement.
- **40.2(3)** The form or application must contain the following statement in bold type:

In establishing the Clients' Security Trust Fund of the Bar of Iowa the Iowa Supreme Court did not create, nor acknowledge any legal responsibility for the acts of individual lawyers in the practice of law. All reimbursements of losses of the Clients' Security Trust Fund of the Bar of Iowa are a matter of grace in the sole discretion of the commissioners administering the fund and not a matter of right. No client or any other person or organization has any right in the fund as a third-party beneficiary or otherwise.

40.2(4) Applications must be in the form attached and must be addressed to the Client Security Commission, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319. [Court Order November 9, 2001, effective February 15, 2002; April 9, 2003; July 1, 2005; December 5, 2007; December 13, 2017, effective January 1, 2018]

Rule 40.3 Processing applications.

- **40.3(1)** The director of the office of professional regulation will cause each such application to be sent to the commissioners or other parties or organizations for investigation and report. A copy must be served upon or sent by certified mail to the lawyer, at the lawyer's last-known address, who it is claimed committed the dishonest act. Whenever feasible, any investigative lawyer to whom such application is referred must not practice in the county wherein the alleged defalcating attorney practiced.
- 40.3(2) When, in the opinion of the person or persons to whom the application has been referred for investigation the application is clearly not for a reimbursable loss, no further investigation need be conducted, but a report with respect to such application must be made to the commission.
- **40.3(3)** The person or persons to whom a report is referred for investigation will conduct such investigation as to them seems necessary and desirable in order to determine whether the claim is for a reimbursable loss and in order to guide the commissioners in determining the extent, if any, to which the claim must be reimbursed from the fund. Any information so obtained by the person or persons will be used solely by or for the commissioners and will constitute confidential information. When information is received by the commission indicating an apparent violation of the criminal laws by a lawyer, such information must be reported to the attorney disciplinary board.
- **40.3(4)** Reports with respect to applications must be submitted by the director of the office of professional regulation to each member of the commission as soon as reasonably possible.

40.3(5) At the meetings of the commission the commissioners will conduct such investigation or review as seems necessary or desirable in order to determine whether the applications are for a reimbursable loss and to guide the commissioners in determining the extent, if any, to which the applicant may be reimbursed. After studying the summaries or applications to be processed, any commissioner may request that testimony be presented. Absent such recommendation or request, applications will be processed on the basis of information contained in the report of the person or persons who investigated such application and in the summary. In all cases, the alleged defalcating attorney or the attorney's personal representative must be given an opportunity to be heard by the commissioners if they so request.

40.3(6) The commission in its sole discretion will determine the amount of loss, if any, for which any person may be reimbursed from the fund. *See* Iowa Ct. R. 39.9(2). However, the maximum amount that any one claimant may recover from the fund is \$100,000 and the aggregate maximum amount which may be recovered from the fund because of the dishonest conduct of any one attorney is \$300,000.

Comment: The November 26, 2013, amendments of claim reimbursement limits apply only to claims arising from attorney conduct occurring on or after January 1, 2014.

[Regulation amendment July 8, 1981; Court Order July 16, 1984; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; November 26, 2013, effective January 1, 2014; July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 40.4 Subrogation for reimbursement made. In the event reimbursement is made to a person or organization, the fund will be subrogated to the person's or organization's rights in said amount, and the fund may bring such action as is deemed advisable against the lawyer, the lawyer's assets or estate, either in the name of the person, or in the name of the Clients' Security Trust Fund of the Bar of Iowa. The party receiving funds is required to execute a subrogation agreement in this regard. Upon commencement of an action by the fund pursuant to its subrogation rights, it must advise the reimbursed party at the party's last-known address. The reimbursed party may then join in such action to press a claim for any loss in excess of the amount of the above reimbursement, but the fund will have first priority to any recovery on such suit.

[Amended by Court Order December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 40.5 General purposes. In any given case, the commissioners may waive technical adherence to these regulations in order to achieve the objectives of the fund. [Court Order November 9, 2001, effective February 15, 2002]

Rule 40.6 General provisions. The annual report of the commissioners to the supreme court is public information after it is filed with the court. Upon prior approval of the commission, such information as the commission may approve concerning payments made to applicants for reimbursement, including information with regard to the lawyer involved and the facts upon which the reimbursement is made, may be released as public information. Other than as set out above, other information regarding applications for reimbursement, payments made by the fund, or any actions of the commissioners are not considered public information without the express prior approval of the court.

[Regulation Order January 4, 1974; February 15, 1979; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

CHAPTER 41 CONTINUING LEGAL EDUCATION FOR LAWYERS

Rule 41.1	Purpose
Rule 41.2	Continuing legal education commission
Rule 41.3	Continuing legal education requirement
Rule 41.4	Annual fee and report by attorneys to commission
Rule 41.5	Penalty for failure to satisfy continuing legal education requirements
Rule 41.6	Confidentiality
Rule 41.7	Inactive practitioners
Rule 41.8	Application of this chapter
Rule 41.9	Attendance exemption for out-of-state attendance of equivalent hours
Rule 41.10	Reinstatement from suspension
Rule 41.11	Denial of reinstatement for failure to comply with certain obligations
Rule 41.12	Basic skills course requirement
Rule 41.13	Retired practitioners

CHAPTER 41 CONTINUING LEGAL EDUCATION FOR LAWYERS

Rule 41.1 Purpose. Only by continuing their legal education throughout their period of the practice of law can attorneys fulfill their obligation competently to serve their clients. Failure to do so will be grounds for disciplinary action by the supreme court. This chapter establishes minimum requirements for such continuing legal education and the means by which the requirements will be enforced. [Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 41.2 Continuing legal education commission.

- **41.2(1)** There is hereby established a Commission on Continuing Legal Education (commission) consisting of 12 members. The supreme court will appoint to the commission 10 resident members of this state who are currently licensed to practice law in the State of Iowa, and 2 residents of this state who are not attorneys. The court must designate from among the members of the commission a chair who will serve at the pleasure of the court. All members, except for those appointed to fill unexpired terms, are appointed for a term of three years. No member can serve more than two consecutive complete terms as a member of the commission. The supreme court may adopt rules and regulations governing the operations and activities of the commission.
 - 41.2(2) The commission has the following duties:
 - a. To exercise general supervisory authority over the administration of this chapter.
- b. To accredit courses, programs, and other educational activities that will satisfy the educational requirements of this chapter; all being subject to continuous review by the commission.
 - c. To foster and encourage the offering of such courses, programs and educational activities.
- d. To submit to the supreme court proposed rules and regulations not inconsistent with this chapter to govern the operations and activities of the commission. See chapter 42 of the Iowa Court Rules.
- e. Subject to the approval of the supreme court, to employ such persons as it deems necessary for the proper administration of this chapter.
- f. To make recommendations to the supreme court concerning this chapter and the enforcement thereof.
- g.. To present an annual budget and a recommended annual fee for costs of administering this chapter.
- h.. To report promptly to the supreme court concerning any violation of this chapter by any member of the bar of this state.
- i.. To file with the supreme court on March 1 of each year, and at such additional times as the supreme court may order, a written report reviewing in detail the activities of the commission during the preceding calendar year together with an audit of commission funds certified by a certified public accountant licensed to practice in Iowa.
- **41.2(3)** Members of the commission will not be compensated but may be reimbursed for expenses incurred by them in the performance of their duties upon vouchers approved by the supreme court. [Court Order April 9, 1975; July 5, 1978; November 13, 1984; November 14, 1985; November 11, 1986; November 19, 1987; November 21, 1988; November 16, 1989; November 9, 2001, effective February 15, 2002; February 22, 2002; December 5, 2007; December 13, 2017, effective January 1, 2018]

Rule 41.3 Continuing legal education requirement.

- **41.3(1)** Each attorney admitted to practice in this state must complete a minimum of 15 hours of legal education accredited by the commission during each calendar year. The commission is authorized pursuant to guidelines established by the supreme court to determine the number of hours for which credit will be given for particular courses, programs, or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.
- **41.3(2)** Beginning January 1, 2021, the 15 hours required by rule 41.3(1) must include a minimum of 1 hour devoted exclusively to the area of legal ethics and 1 hour devoted exclusively to the area of either attorney wellness or diversity and inclusion. Excess hours of education devoted to legal ethics, attorney wellness, and diversity and inclusion can be carried over for purposes of the annual 15-hour requirement under rule 41.3(1) but cannot be carried over for the special legal ethics, attorney wellness, and diversity and inclusion requirements under this rule.

41.3(3) Up to 6 hours of the 15 hours required by rule 41.3(1) each calendar year may be obtained through completion of unmoderated legal education accredited by the commission. [Court Order April 9, 1975; December 6, 1978; January 8, 1988; November 9, 2001, effective February 15, 2002; February 22, 2002; February 21, 2012; March 21, 2014; December 13, 2017, effective January 1, 2018;

October 24, 2019, effective January 1, 2020]

Rule 41.4 Annual fee and report by attorneys to commission.

- **41.4(1)** On or before March 10 of each year, each attorney admitted to practice in this state must pay to the commission a prescribed fee for costs of administering this chapter.
- **41.4(2)** On or before March 10 of each year, each attorney admitted to practice in this state must make a written report to the commission, in such form as the commission prescribes, concerning completion of accredited legal education during the preceding calendar year. However, an attorney is not required to comply with this rule or comply with the continuing legal education requirements set forth in rule 41.3 for the year during which the attorney was admitted to practice in this state. Each annual report must be accompanied by proof satisfactory to the commission that the attorney has met the requirements for continuing legal education for the calendar year for which such report is made.
- **41.4(3)** Each attorney admitted to practice in this state must make a written report to the commission, in such form as the commission prescribes, concerning completion of accredited legal ethics, attorney wellness, and diversity and inclusion education. The report is to be filed on or before March 10 of each year. An attorney is not required to comply with this requirement for the year of admission to practice.
- **41.4(4)** All attorneys who fail by March 10 of each year to file the annual report or to pay the prescribed fee must, in addition, pay a penalty as set forth in the following schedule if either the annual report is filed or the prescribed fee is paid after March 10. The penalty fees collected must be used to pay the costs of administering this chapter, or for such other purposes within the office of professional regulation as the supreme court may direct.

Penalty schedule:

If filed:	Penalty:
After March 10 but before April 12	\$100
After April 11 but before May 12	\$150
After May 11 but before June 12	\$200
After June 11	\$250

41.4(5) The commission may prescribe an electronic format for the annual report and require submission of the report in that form.

[Court Order April 9, 1975; August 28, 1975; August 12, 1980; January 8, 1988; January 24, 2000; November 9, 2001, effective February 15, 2002; April 25, 2008; June 5, 2008, effective July 1, 2008; January 19, 2010; April 25, 2014; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 41.5 Penalty for failure to satisfy continuing legal education requirements.

- 41.5(1) Attorneys who fail to comply with the provisions of rule 41.4 or who file a report showing on its face that they have failed to complete the required number of hours of continuing legal education may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, notice of such delinquency has been served upon them in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys must be given the opportunity during said 15 days to file in the office of professional regulation an affidavit disclosing facts demonstrating their noncompliance was not willful and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of clerk of the supreme court a request for hearing to show cause why their license to practice law should not be suspended. A hearing must be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney will be notified thereof by either of the two methods above provided for notice of delinquency.
 - **41.5(2)** Any attorney suspended pursuant to this chapter must do all of the following:

- a. Within 15 days in the absence of co-counsel, notify clients in all pending matters to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.
- b. Within 15 days, deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property.
 - c. Within 30 days, refund any part of any fees paid in advance that have not been earned.
- d. Within 15 days, notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties, of the suspension and consequent disqualification to act as an attorney after the effective date of such discipline.
- e. Within 15 days, file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.
 - f. Keep and maintain records of the steps taken to accomplish the requirements of this rule.
- g. Within 30 days, file with the supreme court and with the Iowa Supreme Court Attorney Disciplinary Board proof of complete performance of the foregoing, which is a condition for application for readmission to practice.
- **41.5(3)** Any attorney suspended pursuant to this chapter must refrain during such suspension from all facets of the ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills and tax returns; and acting as a fiduciary. Such suspended attorney may, however, act as a fiduciary for the estate, conservatorship, or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.
- **41.5(4)** In addition, any attorney who willfully fails to comply with this chapter may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules, upon report filed by the commission with the disciplinary board.
- 41.5(5) For good cause shown, the commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extensions of time within which to fulfill the requirements or make the required reports.

[Court Order April 9, 1975; November 21, 1977; December 6, 1978; January 15, 1979; August 12, 1980; April 25, 1985; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; April 25, 2008; June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

- Rule 41.6 Confidentiality. Unless otherwise directed by the supreme court, the files, records and proceedings of the commission, as they relate to or arise out of any failure of any attorney to satisfy the requirements of this chapter, are deemed confidential and must not be disclosed, except in furtherance of the commission's duties or upon the request of the attorney affected, or as they may be introduced in evidence or otherwise produced in proceedings taken in accordance with this chapter. [Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]
- Rule 41.7 Inactive practitioners. A member of the bar who is not engaged in the practice of law in the State of Iowa as defined in Iowa Court Rule 39.7, upon application to the commission, may be granted a waiver of compliance with this chapter and obtain a certificate of exemption. No person holding such certificate of exemption is permitted to practice law in this state until reinstated. The supreme court will make rules and regulations governing the continuing legal education requirements for reinstatement of attorneys who, for any reason, have not been entitled to practice law in this state for any period of time subsequent to their admission to the bar. Applications for a certificate of exemption must be submitted concurrently under Iowa Court Rules 39.7 and 42.6 and this rule. [Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; August 19, 2016, effective January 1, 2018; December 13, 2017, effective January 1, 2018]
- **Rule 41.8 Application of this chapter.** This chapter applies to every person licensed to practice law in the State of Iowa.

[Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 41.9 Attendance exemption for out-of-state attendance of equivalent hours.

- **41.9(1)** An active member of the bar who resides in another state or the District of Columbia, did not practice law in Iowa during the reporting period, and who attends at least 15 clock-hours of continuing legal education accredited by the continuing legal education regulatory body in his or her state of residence, including 1 clock-hour in the area of legal ethics and 1 clock-hour of either attorney wellness or diversity and inclusion is exempt from the attendance requirements of rule 41.3. However, any member exempt from attendance under this rule must file the annual report and pay the annual fee required under rule 41.4, and must certify qualification for the exemption on the annual report.
- **41.9(2)** The commission may require any member who claims exemption under this rule to provide proof of attending the accredited continuing legal education in the other jurisdiction.
- **41.9(3)** The practice of law as that term is employed in this rule includes: the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; representation of others in any Iowa courts; regular preparation of legal instruments, securing of legal rights, advising others as to their legal rights or the effect of contemplated actions upon their legal rights, or holding oneself out to so do; instructing others in legal rights; being a judge or one who rules upon the legal rights of others unless neither the state nor federal law requires the person so judging or ruling to hold a license to practice law. [Court Order November 20, 2015, effective January 1, 2016; October 24, 2019, effective January 1, 2020]

Rule 41.10 Reinstatement from suspension.

- **41.10(1)** An attorney who has been suspended for failure to pay the annual fee, complete required continuing legal education, or file the annual report required by rule 41.4 may be reinstated upon a showing that such failure was not willful and by filing such report showing completion of all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year. An attorney seeking reinstatement after suspension for failure to comply with the provisions of this rule must pay all delinquent fees and late filing penalties due under rule 41.4 and a reinstatement fee of \$100.
- **41.10(2)** An attorney who seeks or applies for reinstatement from suspension under the provisions of chapter 35 of the Iowa Court Rules must first file the annual report required by rule 41.4 showing completion of all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year, pay all fees and late filing penalties due under rule 41.4 and unpaid at the time of the suspension, and pay a reinstatement fee of \$100. The commission may grant an attorney additional time after the effective reinstatement date, on such terms and conditions as it may prescribe, to complete and furnish evidence of compliance with these continuing legal education requirements. [Court Order April 25, 2008; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 41.11 Denial of reinstatement for failure to comply with certain obligations.

- **41.11(1)** Denial of reinstatement for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The procedure is governed by Iowa Court Rule 34.21.
- **41.11(2)** Denial of reinstatement for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The procedure is governed by rule Iowa Court Rule 34.21.
- **41.11(3)** Denial of reinstatement for failure to comply with a support order. The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with a support order. The procedure is governed by Iowa Court Rule 34.20. [Court Order June 5, 2008, effective July 1, 2008; February 20, 2012; December 13, 2017, effective January 1, 2018]

Rule 41.12 Basic skills course requirement.

41.12(1) Every Iowa attorney admitted to practice by examination after December 31, 2008, but before January 1, 2015, must complete a Basic Skills Course. The course must be completed within

one year of the newly admitted attorney's date of admission to practice in Iowa. The course may be completed after the last day of the bar examination that resulted in admission. If the course is completed after the last day of the bar examination, but the applicant fails the examination, the applicant will remain in compliance with this rule so long as the applicant passes the next examination offered.

41.12(2) The Basic Skills Course must total at least eight actual hours of instruction and include at least one actual hour qualifying for credit in the area of legal ethics. The course will include instruction on Iowa law selected from at least eight of the following topic areas:

Civil Procedure

Criminal Law

Criminal Procedure

Family Law

Guardianships, Conservatorships, Trusts, and Powers of Appointment

Business Entities

Probate

Torts

Contracts

Real Estate Transactions

Ethics and Professionalism

- **41.12(3)** Newly admitted attorneys shall be entitled to claim credit for attendance at an accredited Basic Skills Course against the continuing legal education requirements of rules 41.3 and 42.2, but are not exempt from reporting and fee payment duties of rule 41.4.
- **41.12(4)** An attorney who fails to complete the Basic Skills Course within one year of the date of admission may have the right to practice law suspended under the provisions of rule 41.5.
- **41.12(5)** The commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the Basic Skills Course requirement or extensions of time in which to complete the Basic Skills Course.
- **41.12(6)** The Basic Skills Course may be offered by any provider of continuing legal education, but must be reviewed and accredited by the Commission on Continuing Legal Education as provided in Iowa Court Rule 42.4. The Basic Skills Course may be conducted in installments over time, and may be offered by computer-based transmission as provided in Iowa Court Rule 42.3. Any provider of the Basic Skills Course is required to report attendance in the manner specified by the commission. [Court Order October 9, 2009; November 24, 2010; January 21, 2015; December 13, 2017, effective January 1, 2018]

Rule 41.13 Retired practitioners.

41.13(1) Certificate of relinquishment. A member of the bar of the supreme court who does not intend ever again to practice law in Iowa may be granted a certificate of relinquishment. Thereafter, no continuing legal education, annual report, or annual fee is required from such member. A member granted a certificate of relinquishment is not entitled to practice law in the State of Iowa and may not apply for reinstatement, but the member may be certified as an emeritus attorney under Iowa Court Rule 31.19. A member granted a certificate of relinquishment who desires to again practice law other than as an emeritus attorney must seek admission under the provisions of chapter 31 of the Iowa Court Rules. A member of the bar requesting a certificate of relinquishment must file with the director an application in such form as the director may deem necessary to determine the member's status. Applications for a certificate of relinquishment must be submitted concurrently under rules 39.7(2) and 41.13(1).

41.13(2) *Transition provisions.*

- a. The provisions of rule 41.13(1) regarding a separate fully relinquished status and the provisions of rules 41.7 and 42.6 regarding concurrent applications for exempt status are effective January 1, 2018.
- b. On or before December 31, 2017, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6 or emeritus status under rule 31.19.
- c. On or after January 1, 2018, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6, emeritus status under rule 31.19, or relinquished status under rule 41.13(1).
- d. Attorneys in active status under rules 41.7 and 42.6 but exempt status under rule 39.7 as of December 31, 2017, will be administratively transferred to exempt status under rules 41.7 and 42.6

as of January 1, 2018. Attorneys administratively transferred to exempt status under this provision nonetheless will be allowed to record their continuing legal education attendance on their attorney account pages while in exempt status.

account pages while in exempt status. [Court Order August 19, 2016, effective September 1, 2016, rule 41.13(1), effective January 1, 2018; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

CHAPTER 42 REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

Rule 42.1	Definitions
Rule 42.2	Continuing legal education requirements
Rule 42.3	Standards for accreditation
Rule 42.4	Accreditation of programs and activities
Rule 42.5	Hardships or extenuating circumstances
Rule 42.6	Exemptions for inactive practitioners
Rule 42.7	Reinstatement of inactive practitioners
Rule 42.8	Staff
Rule 42.9	Divisions
Rule 42.10	Hearings
Rule 42.11	Notice of failure to comply

CHAPTER 42 REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

Rule 42.1 Definitions. For the purpose of these regulations, the following definitions apply:

- (1) "Accredited program or activity" means a continuing legal education activity meeting the standards set forth in rule 42.3, which has received accreditation by the commission pursuant to rule 42.4.
 - (2) "Attorney" means any person licensed to practice law in the State of Iowa.
 - (3) "Commission" means the Commission on Continuing Legal Education or any division thereof.
- (4) "Guidelines" means the requirements for accreditation of continuing legal education programs made available to sponsors and attorneys on the commission webpage.
- (5) "Hour" of continuing legal education means one clock-hour spent by an attorney in actual attendance at or completion of an accredited legal education activity.
- (6) "Legal ethics" means a separate, designated, and dedicated session of instruction referring to and based on the disciplinary rules or ethical considerations of the ethics or professional responsibility code for attorneys in the jurisdiction where the instruction is presented.
- (7) "Attorney wellness" means a separate, designated, and dedicated session of instruction designed to help attorneys detect, prevent, or respond to substance-related disorders or mental illness that impairs professional competence. The instruction must focus on issues in the legal profession and in the practice of law, and not issues of substance-related disorders or mental health in general; or
- (8) "Diversity and inclusion" means a separate, designated, and dedicated session of instruction regarding the impact of race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation on court system interaction or case or controversy outcome, and professional relationships between attorneys, judges, and clients where race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation is a potential factor.
- (9) "Unmoderated activity" means a continuing legal education (CLE) activity presented by delayed or on-demand transmission or broadcast, or pre-recorded media, that has an interactive component and is approved by the commission based on its guidelines. "Pre-recorded media," for purposes of this rule, includes but is not limited to audiotape, videotape, CD, podcast, CD-ROM, DVD, and self-paced computer-based instruction.
 - (10) "Quorum" of the entire commission means six or more members of the commission.
 - (11) "Moderated activity" includes the following:
- a. Standard (live). A live CLE activity presented in a suitable classroom setting devoted to the program.
- b. Satellite. A live CLE activity broadcast by satellite link to a classroom setting or a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.
- c. Video conference. A live CLE activity broadcast by cable, wire, or fiber optic link to a classroom setting or a central viewing or listing location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.
- d. Live webcast. A live CLE activity broadcast over the Internet in audio or audio plus video form to viewers at remote locations or at a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.
- e. Live teleconference. A live CLE activity broadcast over the telephone in audio or audio plus video form to listeners at remote locations or at a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.
- f. Video replay. A recorded CLE activity presented in audio plus video form in a suitable classroom setting or central viewing location to a broad attorney population. The attorney must be able to contact a live moderator during the activity to comment or ask questions.
- g. Audio replay. A recorded CLE activity presented in audio form in a suitable classroom setting, central listening location, or by telephone to a broad attorney population. The attorney must be able to contact a live moderator during the activity to comment or ask questions.
- [Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; February 20, 2012; August 24, 2012; March 21, 2014; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 42.2 Continuing legal education requirements.

- **42.2(1)** A minimum of 15 hours of continuing legal education must be completed by each attorney for each calendar year in the manner stated in Iowa Court Rule 41.3(1). Beginning January 1, 2021, every year each attorney must also complete a minimum of one hour of legal education devoted specifically to the area of legal ethics and one hour of legal education devoted specifically to the area of either attorney wellness or diversity and inclusion.
- **42.2(2)** Hours of continuing legal education credit may be obtained by attending or participating in a CLE activity, either previously accredited by the commission or which otherwise meets the requirements herein and is retroactively accredited by the commission pursuant to rule 42.4.
- **42.2(3)** Hours of continuing legal education credit may be awarded for preparation of an accredited continuing legal education presentation. An attorney is entitled to one hour of preparation credit for each hour of accredited continuing legal education for which they prepare written materials and present, up to a maximum of three hours per calendar year. Hours of preparation credit are credited against the regular attendance requirement of 15 hours per calendar year, but not against the attendance requirement for legal ethics, attorney wellness, and diversity and inclusion. Hours of preparation credit in excess of three do not carry over to a subsequent year. Preparation credit may not be awarded to:
- a. An attorney who prepares written materials without making the presentation or serving on a panel of speakers.
- b. An attorney who makes a presentation or serves on a panel of speakers without preparing written materials.
- c. An attorney who prepares a course directed primarily to persons preparing for admission to practice law.
- d. An attorney who receives compensation, other than reasonable expenses, for preparing or presenting the continuing legal education.
- **42.2(4)** An attorney desiring to obtain credit for one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited legal education during any one calendar year, under Iowa Court Rule 41.3(1), must report such "carry-over" credit at the time of filing the annual report to the commission on or before March 10 of the year following the calendar year during which the claimed additional legal education hours were completed. [Court Order November 25, 1975; December 6, 1978; January 8, 1988; November 9, 2001, effective February 15, 2002; March 21, 2014; April 25, 2014; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 42.3 Standards for accreditation.

- **42.3(1)** A CLE activity qualifies for accreditation if the commission determines that the activity complies with all of the following:
- a. It constitutes an organized program of learning (including a workshop or symposium) that contributes directly to the professional competency of an attorney.
- b. It pertains to common legal subjects or other subject matters that integrally relate to the practice of law.
- c. It is conducted by attorneys or individuals who have a special education, training, and experience by reason of which the attorneys or individuals should be considered experts concerning the subject matter of the program, and the activity preferably is accompanied by a paper, manual, or written outline that substantively pertains to the subject matter of the program.
- d. It is presented in the form of moderated programming, or in the form of unmoderated programming approved by the commission according to its guidelines.
- **42.3(2)** No activity will be accredited that involves solely self-study, including television viewing, video or sound recorded programs, or correspondence work, except as may be allowed pursuant to rule 42.5.

[Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; February 22, 2002; March 21, 2014; December 13, 2017, effective January 1, 2018]

Rule 42.4 Accreditation of programs and activities.

42.4(1) Accreditation of activities. A program sponsor that desires accreditation of a program, course, or other legal education activity or an attorney who desires to establish accreditation of a program, course, or other legal education activity must apply for accreditation to the commission in advance of the commencement of the activity or after completion of the activity in the manner the

commission prescribes. The commission must approve or deny such application in writing or by electronic mail within 30 days of receipt of such application. The application must state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, and other pertinent information.

- **42.4(2)** Fee for organization applications for accreditation. To support administration of this chapter, any organization or other activity sponsor applying for accreditation of an activity must pay to the commission a prescribed nonrefundable application fee for each activity. No application fee is required of an attorney who applies for accreditation solely as an attendee. The commission may waive the application fee for any of the following reasons:
 - a. For any activity offered at no charge to attendees for the educational portion of the activity.
- b. For any presentation of the identical program at additional places or dates during a calendar year, provided the original presentation of the program was approved.

[Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; February 22, 2002; November 23, 2004, effective July 1, 2005; March 21, 2014; December 13, 2017, effective January 1, 2018]

Rule 42.5 Hardships or extenuating circumstances.

- **42.5(1)** The commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time will be granted unless written application therefor is made on forms prescribed by the commission. A \$100 fee will be assessed on all waiver or extension of time applications received after January 15 of the year following the year in which the alleged hardship occurred.
- **42.5(2)** Waivers of the minimum educational requirements may be granted by the commission for any period of time not to exceed one year. In the event that the hardship or extenuating circumstances upon which a waiver has been granted continue beyond the period of the waiver, the attorney must reapply for an extension of the waiver. The commission may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the commission.
- **42.5(3)** Extensions of time within which to fulfill the minimum educational requirements may, in individual cases involving hardship or extenuating circumstances, be granted by the commission for a period not to exceed six months immediately following expiration of the year in which the requirements were not met. Hours of minimum educational requirement completed within such an extension period must be applied first to the minimum educational requirement for the preceding year and will then be applied to the current or following year only to the extent that such hours are not required to fulfill the minimum educational requirement for the preceding year.

[Court Order November 25, 1975; August 12, 1980; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 42.6 Exemptions for inactive practitioners. A member of the bar who is not engaged in the practice of law in the State of Iowa as defined in Iowa Court Rule 39.7 residing within or without the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the commission. The application must contain a statement that the applicant will not engage in the practice of law in Iowa, as defined in Iowa Court Rule 39.7, without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption must be submitted upon the form prescribed by the commission. Applications for a certificate of exemption must be submitted concurrently under Iowa Court Rules 39.7 and 41.7 and this rule. [Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; August 19, 2016, effective January 1, 2018; December 13, 2017, effective January 1, 2018]

Rule 42.7 Reinstatement of inactive practitioners.

- **42.7(1)** Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption must, prior to engaging in the practice of law in the State of Iowa as defined in Iowa Court Rule 39.7, satisfy the following requirements for reinstatement:
- a. Submit written application for reinstatement to the commission upon forms prescribed by the commission together with a reinstatement fee of \$100 and all late filing penalties due at the time the exemption was granted.
 - b. Furnish in the application evidence of one of the following:

- (1) Having engaged in the full-time practice of law, as defined in Iowa Court Rule 39.7, in another state of the United States or the District of Columbia and completion of continuing legal education for each year of inactive status substantially equivalent in the opinion of the commission to that required under chapter 41 of the Iowa Court Rules.
- (2) Successful completion of an Iowa state bar examination conducted within one year immediately prior to the submission of such application for reinstatement.
- (3) Completion of a total number of hours of accredited continuing legal education computed by multiplying 15 by the number of years a certificate of exemption has been in effect for such applicant, but limited to a maximum requirement of 100 hours. The continuing legal education required for reinstatement must include hours devoted specifically to the area of legal ethics in accordance with the requirements in effect for the years the attorney was in exempt or inactive status. Alternatively, the legal ethics requirement may be satisfied by obtaining a scaled score of 80 or higher on the Multistate Professional Responsibility Examination within one year immediately prior to submission of the application for reinstatement.
- **42.7(2)** Notwithstanding that an applicant for reinstatement has not fully complied with the requirements for reinstatement set forth in rule 42.7(1)(b), the commission may conditionally reinstate such applicant on such terms and conditions as it may prescribe regarding the period of time in which the applicant must furnish evidence of compliance with the requirements of rule 42.7(1)(b). [Court Order November 25, 1975; July 28, 1977; January 8, 1988; December 15, 1994, effective January 3, 1995; April 10, 1997; November 9, 2001, effective February 15, 2002; August 10, 2009; December 10, 2012; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]
- **Rule 42.8 Staff.** The director of the office of professional regulation may designate an assistant director for boards and commissions of the office of professional regulation to serve as the principal executive officer of the commission. The commission may, subject to the approval of the court, employ such other employees as the commission deems necessary to carry out its duties under chapter 41 of the Iowa Court Rules, who must perform such duties as the commission may from time to time direct

[Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; December 5, 2007; November 20, 2015, effective January 1, 2016]

- **Rule 42.9 Divisions.** The commission may organize itself into divisions of not fewer than three members for the purpose of considering and deciding matters assigned to them. [Court Order November 25, 1975; November 9, 2001, effective February 15, 2002]
- **Rule 42.10 Hearings.** In the event of denial in whole or in part of any application, the applicant has the right, within 20 days after receipt of the notification of the denial, to request in writing a hearing before the commission. The decision of the commission after such hearing is final. Any hearing on a revocation of the accreditation of an accredited sponsor, the denial of a hardship application, or a recommendation for disciplinary action under Iowa Court Rule 41.5(4) must be before a quorum of the entire commission.

[Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 42.11 Notice of failure to comply. In the event an attorney fails to comply with the provisions of Iowa Court Rule 41.4 or files a report showing on its face failure to complete the required number of accredited hours of continuing legal education, the commission must notify the attorney in writing of such apparent noncompliance and the attorney will have 15 days from the mailing of the notice to cure the failure to comply or make an appropriate application under rule 42.5. If the failure to comply is not cured or such application is not approved, the commission must report promptly to the supreme court the failure of the attorney to comply with chapter 41 of the Iowa Court Rules.

[Court Order November 25, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

CHAPTER 43 LAWYER TRUST ACCOUNT COMMISSION

Rule 43.1	Composition
Rule 43.2	Powers and duties
Rule 43.3	Officers
Rule 43.4	Director
Rule 43.5	Compensation and expenses
Rule 43.6	Disposition of funds upon dissolution
Rule 43.7	Supplemental rules
Rule 43.8	Applicability of Iowa Tort Claims Act

CHAPTER 43 LAWYER TRUST ACCOUNT COMMISSION

Rule 43.1 Composition.

- **43.1(1)** *Members*. The Lawyer Trust Account Commission (commission) consists of seven members, four of whom must be members of the bar of Iowa having their principal offices in this state. Three members must be residents of this state who are not lawyers.
 - **43.1(2)** Appointment. The members are appointed by the supreme court of Iowa.
- **43.1(3)** *Terms*. The term of office for members is three years. Each member must continue to serve until a successor is appointed and qualified. No member may serve for longer than two successive terms and until a successor is appointed and qualified.
- **43.1(4)** *Vacancies*. Vacancies will be filled by appointment of a person to serve for the unexpired portion of the vacant term.

[Court Order December 28, 1984; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 43.2 Powers and duties.

- **43.2(1)** *General.* The commission has general supervisory authority over the administration of these rules.
- **43.2(2)** Receipt and investment of funds. The commission receives funds from lawyers' interest-bearing trust accounts and makes appropriate temporary investments of such funds pending disbursement of them. The commission may also accept funds from other sources. All funds received are held by the commission as an agency of the supreme court.
 - **43.2(3)** Disbursement of funds. The commission must disburse funds received as follows:
- a. Such sums as are necessary for the employment of staff and administration of activities authorized under these rules.
- b. The remaining funds for the tax-exempt public purposes, which the supreme court may prescribe from time to time consistent with Internal Revenue Code regulations and rulings.
- **43.2(4)** Records and reports. The commission must maintain adequate books and records reflecting all transactions and submit quarterly reports of its financial and other activities to the supreme court. At least once a year, and at such additional times as the supreme court may order, the commission must file with the supreme court a written report reviewing in detail the administration of the fund during the year together with an audit of the fund certified by an Iowa certified public accountant.

[Court Order December 28, 1984; October 23, 1985, effective November 1, 1985; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 43.3 Officers.

- **43.3(1)** *Chairperson.* The supreme court will designate from among the members of the commission a chairperson who will serve at the pleasure of the court.
- **43.3(2)** Other officers. The commission may elect other officers as it deems appropriate and may specify their duties.

[Court Order December 28, 1994; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 43.4 Director.

- **43.4(1)** Appointment. The director of the office of professional regulation serves as the principal executive officer of the commission. All references to "director" in this chapter refer to the director of the office of professional regulation. The director may designate an assistant director for boards and commissions to assist with the duties described in this chapter.
- **43.4(2)** *Duties.* The director is responsible and accountable to the commission for the proper administration of these rules.
- **43.4(3)** *Services.* The director may employ persons or contract for services as the commission may approve.
- **43.4(4)** *Records*. All information obtained by the commission in the administration of these rules is public information, except that individual remittance reports with required attachments are confidential unless directed by the court or chair to be made public. Individual remittance reports and

attachments must be available for examination and reproduction by an officer or agent of the Client Security Commission, for purposes of carrying out duties under chapter 39 of the Iowa Court Rules. [Court Order December 28, 1984; October 23, 1985, effective November 1, 1985; July 26, 1995, effective September 5, 1995; November 9, 2001, effective February 15, 2002; July 1, 2005; December 5, 2007; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 43.5 Compensation and expenses. Members of the commission serve without compensation but may be paid their reasonable and necessary expenses incurred in the performance of their duties. All expenses of the operation of the commission must be paid from funds the commission receives from lawyers' interest-bearing trust accounts or income earned thereon.

[Court Order December 28, 1984; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 43.6 Disposition of funds upon dissolution. If the Lawyer Trust Account Commission is discontinued, any funds then on hand must be transferred to its successor agency or organization qualifying under the Internal Revenue Code, if any, for distribution for the purposes specified under rule 43.2 or, if there is no successor, to the general fund of the State of Iowa. [Court Order December 28, 1984; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 43.7 Supplemental rules. Subject to approval of the supreme court, the commission may make and adopt rules not inconsistent with these rules to govern the conduct of its business and performance of its duties.

[Court Order December 28, 1984; November 9, 2001, effective February 15, 2002]

Rule 43.8 Applicability of Iowa Tort Claims Act. Claims against members of the commission and the director, assistant directors, and the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.

[Court Order April 25, 1985; November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008]

CHAPTER 44

LAWYER TRUST ACCOUNT COMMISSION GRANT CRITERIA AND GUIDELINES

Rule 44.1	Interest on law	yers' trust account program (IOLTA)	
Rule 44.2	Statement of p	urpose	
Rule 44.3	Grant criteria		
Rule 44.4	Eligible applic	ants	
Rule 44.5		ant applications	
Rule 44.6	Grant applicati	ons are property of commission	
Rule 44.7	Grantee costs		
Rule 44.8	Inquiry		
Rule 44.9	Copies of appl	ications; signature	
Rule 44.10	Prime grantee	responsibility	
Rule 44.11	Access to book	s and records	
Rule 44.12	Contract terms		
Rule 44.13	Project comple	etion date	
Rule 44.14	Additional grant requests		
Rule 44.15	Grant applicati	on procedures	
Rules 44.16 to 44.20	Reserved		
Rule 44.21	FORMS — Gr	ant Application Forms	
	Form 1:	Cover Sheet	
	Form 2:	Summary of Grant Request	
	Form 3:	Financial Budget Form	
	Form 4:	Financial Budget Form — Personnel Costs	
	Form 5:	Financial Budget Form — Nonpersonnel Costs	
	Form 6:	Funding Sources	
	Form 7:	Legal Problem Categories	
	Form 8:	Program Activity	
	Form 9:	Nondiscrimination Statement	
	Form 10:	Checklist of Enclosures	

CHAPTER 44 LAWYER TRUST ACCOUNT COMMISSION GRANT CRITERIA AND GUIDELINES

Rule 44.1 Interest on lawyers' trust account program (IOLTA).

- **44.1(1)** The Lawyer Trust Account Commission (commission) was created by the supreme court to receive interest on lawyers' pooled trust accounts. Lawyers' pooled trust accounts hold client funds that are so small in amount or held for such a brief period that it is not possible for the funds to economically benefit the individual client. Previously, lawyers' pooled trust accounts earned no interest. Effective July 1, 1985, an interest on lawyers' trust account program (IOLTA) was created to benefit charitable and educational interests. The commission has adopted grant criteria by which the interest earned will be disbursed. The commission reserves the right to change these criteria as it continues to assess how and where its funds might be best used.
- **44.1(2)** The commission provides the following information in this chapter to guide grant applicants in applying for funds.
 - **44.1(3)** Grant applications are available from the commission at the following addresses:

Lawyer Trust Account Commission

Iowa Judicial Branch Building

1111 East Court Avenue

Des Moines, Iowa 50319

(515) 725-8029

Grant applications will be located on the Iowa Judicial Branch website. [Court Order December 27, 1985, effective February 3, 1986; December 23, 1987; November 9, 2001, effective February 15, 2002; April 9, 2003; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 44.2 Statement of purpose.

- **44.2(1)** The commission will use the interest earned on IOLTA accounts as directed by the supreme court. The funds are to be used for the tax-exempt public purposes, which the supreme court may prescribe from time to time consistent with Internal Revenue Code regulations and rulings.
- **44.2(2)** The IOLTA program is intended to fill a critical need for legal services to low income persons in civil cases as well as educational and other specific law-related programs designed to improve the administration of justice in Iowa.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002; December 10, 2012; December 13, 2017, effective January 1, 2018]

- **Rule 44.3 Grant criteria.** The commission desires to make the best use of IOLTA funds and obtain maximum effect from each grant. The following guidelines, with exception where necessary, will be used to assist in the grant decision-making process:
 - **44.3(1)** The commission favors funding groups or organizations as opposed to individuals.
- **44.3(2)** The commission favors challenge grants or other types of fund-matching arrangements to leverage IOLTA money.
- **44.3(3)** Grant applicants should, if possible, have sources of income in addition to the IOLTA funds requested. Generally, the commission does not intend to be the primary source of financial support for a sustained period of time, and the applicant should demonstrate an ability to function eventually without the assistance of the commission.
- **44.3(4)** Greater weight will be given to applicants with a prior history of service reflecting clear ability to deliver quality services successfully.
- **44.3(5)** Greater weight will be given to applicants that work to develop cooperative efforts between grantees in a given service area.
 - **44.3(6)** The commission prefers to fund applicants that have community support.
- 44.3(7) The commission will fund applicants to achieve broad geographic and demographic distribution of IOLTA funds throughout the state.

- **44.3(8)** The commission prefers to avoid replacing other funding sources. The commission also prefers neither to fund agencies primarily funded by state appropriations, nor will funding be granted to state agencies to perform statutory duties.
- **44.3(9)** In reviewing grants for renewal, greater weight will be given to previous recipients that have successfully utilized IOLTA funds.
- 44.3(10) All grant recipients are expected to propose criteria by which their projects will be reviewed at least annually and to assist the commission in conducting periodic evaluations.
- **44.3(11)** The commission is especially interested in using its limited funds as seed money to establish new programs which contribute to the increased availability of legal services to indigents in all parts of the state or will provide increased education about the rights and responsibilities of all citizens under our legal system.
- **44.3(12)** The commission will not fund political campaigns, lobbying or legislative advocacy nor will it fund programs to provide for criminal indigent defense.
- **44.3(13)** The commission examines applications based on the general return on investment and an overall emphasis on legal services for low income persons.

[Court Order December 27, 1985, effective February 3, 1986; February 27, 1987; November 9, 2001, effective February 15, 2002; December 10, 2012; December 13, 2017, effective January 1, 2018]

- **Rule 44.4 Eligible applicants.** To be eligible to receive funds from the commission, an applicant must do all of the following:
- **44.4(1)** Qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or otherwise demonstrate the charitable purposes of the applicant organization and project.
- 44.4(2) Submit a grant application form and written narrative proposal within the commission's time schedule.
 - **44.4(3)** Respond adequately in the proposal to the commission's grant proposal format.
 - 44.4(4) Respond adequately to questions about the application by telephone or in writing.
 - **44.4(5)** Agree to carry out the program for which funds were requested.
 - **44.4(6)** Account for the grant funds separately in its financial reporting system.
- **44.4(7)** Unless exempted, agree to file with the commission within 90 days after the end of the grant period, an audit of IOLTA funds received certified by a certified public accountant licensed to practice in Iowa.
- **44.4(8)** Report to the commission on progress and results. [Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]
- **Rule 44.5 Rejection of grant applications.** The commission reserves the right to reject any or all grant applications that do not, in its opinion, meet the purposes of this program. [Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]
- **Rule 44.6 Grant applications are property of commission.** Upon submission, all grant applications become the property of the commission which has the right to use any or all ideas presented in any application, whether or not the application is approved for funding. All grant applications are open to public inspection and comment upon receipt by the commission. [Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002]
- **Rule 44.7 Grantee costs.** Neither the supreme court nor the commission will be liable for any expenses incurred by any prospective grantee prior to the issuance of the grant. [Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002]
- **Rule 44.8 Inquiry.** Questions should be directed by mail to: Director, Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319; or by electronic mail to: iolta@iowacourts.gov.

[Court Order December 27, 1985, effective February 3, 1986; December 23, 1987; November 9, 2001, effective February 15, 2002; April 9, 2003; December 5, 2007; December 10, 2012]

Rule 44.9 Copies of applications; signature. One electronic copy and one paper copy of a grant application will be required. Applications should be signed by an official who has authority to bind the organization to the proposed obligations. Applications must state that they are valid for a minimum period of 60 days from the date of submission. Applications should be transmitted to the electronic mail address and postal address designated in rule 44.8.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002; December 10, 2012]

Rule 44.10 Prime grantee responsibility. A selected grantee will be required to assume responsibility for all services offered in its application. The selected grantee will be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the grant.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002]

Rule 44.11 Access to books and records. The commission or any of its duly authorized representatives must have access for purposes of audit and examination to books, documents, papers, and records of the grantee.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 44.12 Contract terms. The grant application must state when the grantee will start the project, which should be within 60 days of the award. If during the performance of the project the grantee deviates from the grant, the grant may, at the discretion of the commission, be terminated at any time. If a dispute arises in the performance of the grant that cannot be settled between the parties, the dispute must be submitted to arbitration pursuant to Iowa Code chapter 679A.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 44.13 Project completion date. The completion date of the project must be specified in the application. If the project will continue for more than one year, the applicant should specify the budget and evaluation cycle on a twelve-month basis.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002]

Rule 44.14 Additional grant requests. Applicants who submit proposals in the initial funding cycle will not be precluded from applying in later funding cycles if need exceeds the amount of the initial award.

[Court Order December 27, 1985, effective February 3, 1986; November 9, 2001, effective February 15, 2002]

- Rule 44.15 Grant application procedures. To aid in the comparative evaluation of proposals, all grant applications must contain the information set forth in rule 44.15(1) in the order listed.
 - **44.15(1)** Organization and contents of proposal.
 - a. Cover sheet (rule 44.21, Form 1).
 - b. Summary of grant request (rule 44.21, Form 2).
- c. A written narrative proposal on 8½ x 11 inch paper, not to exceed ten double-spaced typewritten pages, which sets forth:
 - (1) The objectives of the project or organization for which funds are requested.
 - (2) The methods by which the objectives are to be accomplished.
 - (3) The qualifications of key individuals responsible for the project or organization.
 - (4) The period of time expected to complete the project (if applicable).
 - (5) Whether support has been or is being requested from other funding sources.
 - (6) The audit mechanism that will be utilized to provide accountability for the requested funds.
- (7) The extent to which the program serves a reasonable number of clients, its service area, the nature and scope of legal services provided and its impact on the community's demonstrated needs.
- (8) The extent to which two or more programs in the service area cooperate in the provision of legal assistance.

- (9) The extent of participation from the bar within the program's service area.
- (10) The extent to which the program has systems to assure the quality of services provided.
- (11) The plans for evaluating the success of the project or organization in meeting the objectives.
- (12) Such additional information as the applicant believes desirable.
- d. Financial budget form (rule 44.21, Forms 3, 4, and 5).
- e. Funding sources (rule 44.21, Form 6).
- f. Legal problem categories (rule 44.21, Form 7).
- g. Program activity (rule 44.21, Form 8).
- h. Nondiscrimination statement (rule 44.21, Form 9).
- i. Checklist of enclosures (rule 44.21, Form 10).
- **44.15(2)** *Processing of grant applications.*
- a. One written copy and one electronic copy of the application should be directed to the director of the office of professional regulation at the following addresses:

Lawyer Trust Account Commission Iowa Judicial Branch Building

1111 East Court Avenue

Des Moines, Iowa 50319

iolta@iowacourts.gov

- b.. The commission will make all recommendations on grant awards, subject to final approval by the supreme court.
 - c.. Applicant must submit one original written copy and one electronic copy of its proposal.
 - d. There can be no extensions of or exceptions to established deadlines.
- e.. Grant awards will be announced by the supreme court or by the commission with the approval of the court.

[Court Order December 27, 1985, effective February 3, 1986; December 23, 1987; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002; April 9, 2003; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rules 44.16 to 44.20 Reserved.

Rule 44.21 FORMS — Grant Application Forms Rule 44.21 — Form 1: *Cover Sheet.*

GRANT APPLICATION

LAWYER TRUST ACCOUNT COMMISSION

Amount of G	irant Request \$
Name of Organization/Applicant	
Address	
City	CountyZip
Telephone Number (include area code)	
Number of Counties Served	
Number of Indigent Persons in Service Area	
Program Director orChief Executive Officer	
	Signature
Chairperson orChief Policy-Making Officer	
	Signature
Current Fiscal Year Budget \$(Exclude IOLTA Funding)	
Define Fiscal Year: Starts	Ends
	Funds Requested are For:
Legal Services for t	
Pro Bono	Administration of Justice
Other	
I HEREBY CERTIFY THAT ALL THE ACCURATE AND COMPLETE.	INFORMATION CONTAINED IN THIS GRANT PROPOSAL IS
SIGNATURE	DATE

[Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 2: Summary of Grant Request.

SUMMARY OF GRANT REQUEST

Using only the space provided, summarize those aspects of your grant application that you most wish to highlight to help the Lawyer Trust Account Commission evaluate your proposal.

[Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 3: Financial Budget Form.

Name of Organization/Applicant ___

FINANCIAL BUDGET FORM

Please complete the following form on a "grant year" basis. We re fiscal year which coincides with the "grant year," but we need to co provided by other applicants.	ecognize that many progrompare the data you sub	rams do not operate on a mit with the information
Please refer to explanations on reverse side when completing budget	t request form.	
COST CATEGORY	IOLTA FUNDS REQUESTED	TOTAL BUDGET*
PERSONNEL		-
Lawyers No		<u> </u>
Paralegals No		
Other No	7	iii M
Salary Subtotal	2	<u> </u>
Employee Benefit	34	· ·
Total Personnel Costs		
NONPERSONNEL		
Space		
Equipment	<u></u>	
Supplies		
Telephone		
Travel	<u>0</u>	
Training	Œ	· ·
Library	2	<u> </u>
Insurance	<u>.</u>	· ·
Audit	<u>~</u>	ii ii
Litigation	Ä	
Capital Additions	<u> </u>	
Contract Services	-	<u> </u>
Other	28	9 P
Total Nonpersonnel Costs		· ·
		
TOTAL		

^{*}Excluding IOLTA Funds Requested

Financial Budget Form (cont'd)

FINANCIAL BUDGET FORM

EXPLANATIONS

LAWYERS: This category should include all salaries and wages paid to program attorneys, whether employed directly or supervised by the program (e.g., VISTA volunteers), and whether part time, full time, or temporary.

PARALEGALS: This category should include salaries and wages paid to program paralegals, whether employed directly or supervised by the program (e.g., VISTA volunteers), and whether part time, full time, or temporary. Paralegals are persons whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings, and outreach and community work.

OTHER STAFF: This category should include salaries and wages paid to all other program staff, whether employed directly or supervised by the program (e.g., VISTA volunteers, CETA workers, etc.), whether administrative/clerical staff, students, or others, and whether full time, part time, or temporary.

EMPLOYEE BENEFITS: This category should include all those commonly accepted fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, worker's compensation, unemployment insurance, and other payroll-related costs approved by the program's board of directors.

SPACE: This category includes estimated rent, utility payments, and maintenance or janitorial expenses.

EQUIPMENT RENTAL: This category includes lease or rental expenses for office furniture, fixtures, and equipment (except telephone). It also includes an estimate of maintenance costs for that equipment whether pursuant to a service contract or an estimate of individual repair bills.

OFFICE SUPPLIES AND EXPENSES: This category includes all basic office accessories and supplies, including material used in copiers. Printing and postage, which may be recorded in special accounts, are included in this category. All equipment purchases under \$100 may be placed under this line item.

TELEPHONE: This category includes estimates for the rent of telephone equipment and long distance calls. Similar and related expenses such as telegraph or other telecommunications should be included as well.

PROGRAM TRAVEL: Travel expenses directly related to specific client matters, circuit calls, administration of the program, etc. While most travel placed in this category will be local or intrastate, some interstate travel should also be included here.

TRAINING: All nonpersonnel costs to be paid for with regular program funds associated with the training or continuing education of staff members should be included here. Examples would be: travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, etc. Materials or equipment purchased for training with a value in excess of \$100 should be reported under "Capital Additions." No program personnel costs should be included here.

LIBRARY: This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, books, reference materials, and multiple volume sets of law books. Capital additions to the library holdings over \$100 should be included under "Capital Additions."

INSURANCE: This category includes professional liability insurance, bonding, property insurance (fire and theft), and liability insurance for property and automobiles.

AUDIT: This category includes expenses for auditors.

LITIGATION: This category includes court costs, witness fees, expert witness expenses, sheriff fees, courthouse copying fees, and other expenses incurred but not recovered in litigation on behalf of eligible clients.

CAPITAL ADDITIONS: This category includes equipment and library purchases over \$100 per item and other major expenses which occur infrequently (e.g., major renovation). Items included should be certain expenditures (e.g., report "office equipment" rather than "typewriters, dictating equipment, adding machines," etc.).

CONTRACT SERVICES: This category includes two sections: one for all payments to private attorneys who provided legal services to clients and the other for service to the program, such as legal counsel for program operations, consultant fees exclusive of those paid for training, use of a computer service bureau, bookkeeping or other accounting services, etc.

OTHER: This category includes all program expenses not included above.

[Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 4: Financial Budget Form — Personnel Costs.

FINANCIAL BUDGET FORM

PERSONNEL COSTS

Please provide a detailed breakdown and explanation by line item of your funding request. Comment on methodology used in determining each funding request for Personnel Costs.

(Attach additional sheets if necessary)

[Court Order December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 5: Financial Budget Form — Nonpersonnel Costs.

FINANCIAL BUDGET FORM

NONPERSONNEL COSTS

Please provide a detailed breakdown and explanation by line item of your funding request. Comment on methodology used in determining each funding request for Nonpersonnel Costs.

(Attach additional sheets if necessary)

[Court Order December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 6: Funding Sources.

FUNDING SOURCES

Vai	me of Applicant:						
Lis	t Sources of Public and Private Funds:						
Do	Oo Not Include Any Estimates for "In-Kind" or Volunteer Services						
	(EXPLANATION OF "FUNDS" ON REVERSE	B)					
		SOURCE	AMOUNT				
1	William and the	SOURCE					
1.	Local:		5				
2.	Federal:		<u>(-</u>				
			;				
			£				
3.	Community Funds:						
4.	Foundations:						
			3				
		<u> </u>					
5.	Bar Associations/Groups:						
	·						
			9				
_	T 17 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		2				
	Individual Contributions:						
7.	Corporate:	87					
		<u> </u>					
			-				
0	Tours IV and a	<u></u>	s 				
0.	Law Firms:		1				
9.	Others:	5. · · · · · · · · · · · · · · · · · · ·					
	TOTAL		-				

Funding Sources (cont'd)

EXPLANATION OF "FUNDS"

- LOCAL List all public sources of funds from city, county, and state agencies. This does not include federal funds. If the applicant receives allocations through city, county, or state offices, such as social service departments, list sources in this category.
- FEDERAL List all sources of funds from federal sources including: Legal Services Corporation; Title XX;
 Title III; Title IV; Community Development Block Grants; Revenue Sharing; Action/VISTA; other federal grants.
- COMMUNITY FUNDS List community nonprofit organization funds, e.g., United Way, Community Chest, and other consolidated community funds in this category.
- 4. **FOUNDATIONS** List private charitable foundation funds in this category.
- BAR ASSOCIATIONS/GROUPS List state, local and specialty bar associations and related organizations
 which provide monetary contributions.
- INDIVIDUAL CONTRIBUTIONS Indicate the total amount of individual contributions received by the program.
- CORPORATE List all funds received from corporations, corporate foundations, and corporate law departments.
- LAW FIRMS List all funds received from law firms, including support from annual fundraiser/benefit over \$200.00.
- OTHER List all other sources of income, including special events such as annual benefit or dinner. Continue on another sheet of paper if necessary.

[Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 7: Legal Problem Categories.

LEGAL PROBLEM CATEGORIES

Define what is meant by your use of the term "Legal Problem" and "Case" as a measure of services provided:				

- CONSUMER/FINANCE refers to bankruptcy, debtor relief, collections, deficiency, garnishment, contracts, warranties, credit access, energy, loans, installment purchase, public utilities, unfair sales practice, repossession, and other consumer/finance.
- 2. **EDUCATION/EMPLOYMENT** refers to education, job discrimination, wage claims, and other employment (including CETA).
- 3. **FAMILY** refers to adoption, custody, visitation, dissolution, separation, annulment, guardianship, conservatorship, name change, parental rights termination, paternity, spouse abuse, support, and other family.
- 4. JUVENILE refers to neglected, delinquent, and other juvenile.
- 5. **HEALTH** refers to Medicare, Medicaid, and other health.
- HOUSING refers to federally subsidized housing rights, home ownership, real property, landlord-tenant, public
 housing, and other housing.
- INCOME MAINTENANCE refers to AFDC, welfare, food stamps, social security, SSI, unemployment compensation, veterans benefits, worker's compensation, and other income maintenance.
- INDIVIDUAL RIGHTS refers to immigration, naturalization, mental health, prisoners' rights, physically disabled rights, and other individual rights.
- MISCELLANEOUS refers to incorporation, dissolution, license (auto and other), torts, wills, estates, and other
 miscellaneous.

[Court Order December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 8: Program Activity.

PROGRAM ACTIVITY

Please provide information on the number of indigent persons assisted during the year. **ACTIVITY** NUMBER Counsel and Advice **Brief Service** Referred After Legal Assessment Insufficient Merit to Proceed Client Withdrew or Did Not Return Negotiated Settlement Admin. Agency Decision Court Decision Change in Eligibility Other Total Closed Cases STAFF PATTERN Please describe the staffing pattern of your organization by completing the following chart. **Full Time** Part Time Temporary Volunteer 1. Number of Attorneys 2. Number of Paralegals 3. Number of Other Staff COMMENTS:

[Court Order December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 9: Nondiscrimination Statement. NONDISCRIMINATION STATEMENT

On behalf of the	,
	(Organization)
<u> </u>	, the undersigned state
that the	(Organization) does not
handicap, or Vietnam veteran status.	ts, or its employees on the basis of race, creed, color, sex, age, national origin
	(Name)
	(Title)
	(Date)

[Court Order December 27, 1985, effective February 3, 1986; December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

Rule 44.21 — Form 10: Checklist of Enclosures.

CHECKLIST OF ENCLOSURES

Please number and enclose the following supplemental materials with this Grant Application. If your organization has previously submitted any of these items to the Lawyer Trust Account Commission and it is still in full force and effect, check "Submitted Previously" and omit from this application.

ENCLOSED	PREVIOUSLY		ATTACHMENT #
		List of board members — name, address, occupation, indicate officers, their title and terms	
		Current articles of incorporation or association, bylaws or other organizational documents	
		Proof of tax exempt status and last IRS form 990	
		Current client financial eligibility guidelines	
		Description of your organization's professional liability coverage	
		A copy of applicant organization's most recent audited financial statement	
		Any evaluation reports prepared by other funding sources within the last two years	

All documents required shall have attached a certificate signed by the secretary or similar officer that the documents are true and correct copies, have not been retracted or amended, and are in full form and effect.

[Court Order December 27, 1991, effective January 6, 1992; November 9, 2001, effective February 15, 2002]

CHAPTER 45 CLIENT TRUST ACCOUNT RULES

Rule 45.1	Requirement for client trust account
Rule 45.2	Action required upon receiving funds; accounting; records
Rule 45.3	Type of accounts and institutions where trust accounts must be established
Rule 45.4	Pooled interest-bearing trust account
Rule 45.5	Definition of "allowable monthly service charges"
Rule 45.6	Lawyer certification
Rule 45.7	Advance fee; expense payments
Rule 45.8	General retainer
Rule 45.9	Special retainer
Rule 45.10	Flat fee
Rule 45.11	Designation of successor signatories

CHAPTER 45 CLIENT TRUST ACCOUNT RULES

- Rule 45.1 Requirement for client trust account. Funds a lawyer receives from clients or third persons for matters arising out of the practice of law in Iowa must be deposited in one or more identifiable interest-bearing trust accounts at a financial institution with a branch geographically located in Iowa. The trust account must be clearly designated as "Trust Account." No funds belonging to the lawyer or law firm may be deposited in this account except:
- 1. Funds reasonably sufficient to pay or avoid imposition of fees and charges that are a lawyer's or law firm's responsibility, including fees and charges that are not "allowable monthly service charges" under the definition in rule 45.5, may be deposited in this account.
- 2. Funds belonging in part to a client and in part currently or potentially to the lawyer or law firm must be deposited in this account, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion must not be withdrawn until the dispute is finally resolved.
- 3. Other property of clients or third persons must be identified as such and appropriately safeguarded.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.2 Action required upon receiving funds; accounting; records.

- **45.2(1)** Authority to endorse or sign client's name. Upon receipt of funds or other property in which a client or third person has an interest, a lawyer must not endorse or sign the client's name on any check, draft, security, evidence of encumbrance, transfer of ownership of realty or personalty, or any other document without the client's prior express authority. A lawyer signing an instrument in a representative capacity must so indicate by initials or signature.
- **45.2(2)** Accounting and returning funds or property. Except as stated in this chapter or otherwise permitted by law or by agreement with the client, a lawyer must promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and must promptly render a full accounting regarding such property.
 - **45.2(3)** *Maintaining records.*
- a. A lawyer who practices in this jurisdiction must maintain current financial records as provided in these rules and required by Iowa Rule of Professional Conduct 32:1.15 and must retain the following records for a period of six years after termination of the representation:
- (1) Receipt and disbursement journals containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee, and purpose of each disbursement.
- (2) Ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed.
- (3) Copies of retainer and compensation agreements with clients as required by Iowa Rule of Professional Conduct 32:1.5.
- (4) Copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf.
 - (5) Copies of bills for legal fees and expenses rendered to clients.
 - (6) Copies of records showing disbursements on behalf of clients.
- (7) The physical or electronic equivalents of all checkbook registers, bank statements, records of deposit, prenumbered canceled checks, and substitute checks provided by a financial institution.
- (8) Records of all electronic transfers from client trust accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient, and the trust account name or number from which money is withdrawn.
- (9) Copies of monthly trial balances and monthly reconciliations of the client trust accounts maintained by the lawyer.
- (10) Copies of those portions of client files that are reasonably related to client trust account transactions.
 - b. With respect to trust accounts required by Iowa Rule of Professional Conduct 32:1.15:

- (1) Only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer may be an authorized signatory or authorize transfers from a client trust account.
- (2) Receipts must be deposited intact and records of deposit should be sufficiently detailed to identify each item.
- (3) Withdrawals must be made only by check payable to a named payee and not to cash, or by authorized bank transfer.
- c. Records required by this rule may be maintained by electronic, photographic, computer, or other media provided that the records otherwise comply with these rules and that printed copies can be produced. These records must be accessible to the lawyer.
- d. Upon dissolution of a law firm or of any legal professional corporation, the partners must make reasonable arrangements for the maintenance of the records specified in this rule.
- e. Upon the sale of a law practice, the seller must make appropriate arrangements for the maintenance of the records specified in this rule.

[Court Order April 20, 2005, effective July 1, 2005; February 20, 2012; December 13, 2017, effective January 1, 2018]

Rule 45.3 Type of accounts and institutions where trust accounts must be established. Each trust account referred to in rule 45.1 must be an interest-bearing account in a bank, savings bank, trust company, savings and loan association, savings association, credit union, or federally regulated investment company selected by the law firm or lawyer in the exercise of ordinary prudence. The financial institution must be authorized by federal or state law to do business in Iowa and insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Interest-bearing trust funds must be placed in accounts at credit unions only to the extent that each individual client's funds are eligible for insurance. Interest-bearing trust funds must be placed in accounts from which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to observe by law or regulation.

[Court Order April 20, 2005, effective July 1, 2005; April 25, 2008; December 13, 2017, effective January 1, 2018]

Rule 45.4 Pooled interest-bearing trust account.

- **45.4(1)** Deposits of nominal or short-term funds. A lawyer who receives a client's or third person's funds must maintain a pooled interest-bearing trust account for deposits of funds that are nominal in amount or reasonably expected to be held for a short period of time. A lawyer must inform the client or third person that the interest accruing on this account, net of any allowable monthly service charges, will be paid to the Lawyer Trust Account Commission established by the supreme court.
- **45.4(2)** Exceptions to using pooled interest-bearing trust accounts. All client or third person funds must be deposited in an account specified in rule 45.4(1) unless they are deposited in:
- a. A separate interest-bearing trust account for the particular third person, client, or client's matter on which the interest, net of any transaction costs, will be paid to the client or third person; or
- b. A pooled interest-bearing trust account with subaccountings that will provide for computation of interest earned by each client's or third person's funds and the payment thereof, net of any transaction costs, to the client or third person.
- **45.4(3)** Accounts generating positive net earnings. If the client's or the third person's funds could generate positive net earnings for the client or third person, the lawyer must deposit the funds in an account described in rule 45.4(2). In determining whether the funds would generate positive net earnings, the lawyer must consider the following factors:
 - a. The amount of the funds to be deposited.
- b. The expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held.
 - c. The rates of interest or yield at the financial institution in which the funds are to be deposited.
- d. The cost of establishing and administering the account, including service charges, the cost of the lawyer's services, and the cost of preparing any tax reports required for interest accruing to a client's benefit.
- e. The capability of financial institutions described in rule 45.3 to calculate and pay interest to individual clients.

- f. Any other circumstances that affect the ability of the client's funds to earn a net return for the client.
- **45.4(4)** *Directions to depository institutions.* As to accounts created under rule 45.4(1), a lawyer or law firm must direct the depository institution:
- a. To remit interest or dividends, net of any allowable monthly service charges, as computed in accordance with the depository institution's standard accounting practice, at least quarterly, to the Lawyer Trust Account Commission.
- b. To transmit with each remittance to the Lawyer Trust Account Commission a copy of the depositor's statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, the amount of allowable monthly service charges deducted, if any, and the account balance(s) for the period covered by the report.
- c. To report to the Client Security Commission in the event any properly payable instrument is presented against a lawyer trust account containing insufficient funds. In the case of a dishonored instrument, the report must be identical to the overdraft notice customarily forwarded to the depositor, and must include a copy of the dishonored instrument, if such a copy is normally provided to depositors. In the case of instruments that are honored when presented against insufficient funds, the report must identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment and the date paid, and the amount of overdraft. If an instrument presented against insufficient funds is not honored, the report must be made simultaneously with, and within the time provided by law for, any notice of dishonor. If the instrument is honored, the report must be made within five banking days of the date of presentation for payment against insufficient funds.

[Court Orders April 20, 2005, and July 1, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

- Rule 45.5 Definition of "allowable monthly service charges." For purposes of this chapter, "allowable monthly service charges" means the monthly fee customarily assessed by the institution against a depositor solely for the privilege of maintaining the type of account involved. Fees or charges assessed for transactions involving the account, such as fees for wire transfers, stop payment orders, or check printing, are a lawyer's or law firm's responsibility and may not be paid or deducted from interest or dividends otherwise payable to the Lawyer Trust Account Commission.

 [Court Order April 20, 2005, effective July 1, 2005]
- **Rule 45.6 Lawyer certification.** Every lawyer required to have a client trust account must certify annually, in such form as the supreme court may prescribe, that the lawyer or the law firm maintains, on a current basis, records required by Iowa Rule of Professional Conduct 32:1.15(a). [Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.7 Advance fee; expense payments.

- **45.7(1)** Definition of advance fee payments. "Advance fee payments" are payments for contemplated services that are made to the lawyer prior to the lawyer's having earned the fee.
- **45.7(2)** Definition of advance expense payments. Advance expense payments are payments for contemplated expenses in connection with the lawyer's services that are made to the lawyer prior to the incurrence of the expense.
- **45.7(3)** Deposit and withdrawal. A lawyer must deposit advance fee and expense payments from a client into the trust account and may withdraw such payments only as the fee is earned or the expense is incurred.
- **45.7(4)** Notification upon withdrawal of fee or expense. A lawyer accepting advance fee or expense payments must notify the client in writing of the time, amount, and purpose of any withdrawal of the fee or expense, together with a complete accounting. The attorney must transmit such notice no later than the date of the withdrawal.
- **45.7(5)** When refundable. Notwithstanding any contrary agreement between the lawyer and client, advance fee and expense payments are refundable to the client if the fee is not earned or the expense is not incurred.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.8 General retainer.

45.8(1) *Definition.* A general retainer is a fee a lawyer charges for agreeing to provide legal services on an as-needed basis during a specified time period. Such a fee is not a payment for the performance of services and is earned by the lawyer when paid.

45.8(2) *Deposit.* Because a general retainer is earned by the lawyer when paid, the retainer should not be deposited in the trust account.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 45.9 Special retainer.

45.9(1) *Definition.* A "special retainer" is a fee that is charged for the performance of contemplated services rather than for the lawyer's availability. Such a fee is paid in advance of performance of those services.

45.9(2) *Prohibition.* A lawyer may not charge a nonrefundable special retainer or withdraw unearned fees.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.10 Flat fee.

45.10(1) *Definition.* A "flat fee" is one that embraces all services that a lawyer is to perform, whether the work be relatively simple or complex.

45.10(2) When deposit required. If the client makes an advance payment of a flat fee prior to performance of the services, the lawyer must deposit the fee into the trust account.

45.10(3) Withdrawal of flat fee. A lawyer and client may agree as to when, how, and in what proportion the lawyer may withdraw funds from an advance fee payment of a flat fee. The agreement, however, must reasonably protect the client's right to a refund of unearned fees if the lawyer fails to complete the services or the client discharges the lawyer. In no event may the lawyer withdraw unearned fees.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.11 Designation of successor signatories. A lawyer who is the sole lawyer signatory on an attorney trust account may designate in an instrument acceptable to the depository for the trust account, a successor signatory, who must be a member of the bar in good standing and admitted to the practice of law in Iowa, and whose authority must become effective upon the occurrence of an event or events described in the instrument. The event or events described in the instrument may include death, disappearance, abandonment of law practice, temporary or permanent incapacity, suspension, or disbarment.

[Court Order December 10, 2012; December 13, 2017, effective January 1, 2018]

CHAPTER 46

RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

Rule 46.1 Authorization and scope	
Rule 46.2 Definitions	
Rule 46.3 Organization; meetings; information	
Rule 46.4 Applications	
Rule 46.5 Examination	
Rule 46.6 Certification	
Rule 46.7 Fees	
Rule 46.8 Continuing education requirement	
Rule 46.9 Approval of activity	
Rule 46.10 Continuing education reports	
Rule 46.11 Penalty for failure to satisfy continuing education r	requirements
Rule 46.12 Disciplinary action	
Rule 46.13 Causes for disciplinary action	
Rule 46.14 Contested case proceedings	
Rule 46.15 Disciplinary sanctions	
Rule 46.16 Military service and veteran reciprocity	
Rule 46.17 Certification by reciprocity	

CHAPTER 46 RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

Rule 46.1 Authorization and scope. The rules in this chapter are adopted in conjunction with Iowa Code sections 602.3101 through 602.3302. They apply to all proceedings, functions, and responsibilities of shorthand reporters and the board of examiners. [Court Order June 5, 2008, effective July 1, 2008]

Rule 46.2 Definitions. In this chapter:

- (1) "Certified shorthand reporter" is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter's duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better. Individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing the association's examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter's duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better.
- (2) "Shorthand" is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.
- (3) "Shorthand reporting" is the professional skill, the practice of which by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.

[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.3 Organization; meetings; information.

- **46.3(1)** The officers of the Board of Examiners of Shorthand Reporters (board) are a chairperson selected by the supreme court of Iowa and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each must perform the duties incumbent upon the office.
- **46.3(2)** The board must hold regular meetings for examination of applicants and the transaction of other business at least twice per year. Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board constitutes a quorum. Business must not be conducted unless a quorum is present. All actions of the board require a simple majority vote of those present.
- **46.3(3)** The board must at least 60 days prior to the start of each fiscal year or on a date otherwise requested by the supreme court submit to the court for consideration and approval a budget covering the board's operations for the upcoming fiscal year. Approval of the budget by the court will authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the certified reporter operating account for payment of the board's authorized expenditures.
- **46.3(4)** The director of the office of professional regulation will serve as the administrator for the board. Information may be obtained from the director at the Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

- Rule 46.4 Applications. Candidates for examination must make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose may include illness, military service, unavoidable casualty or misfortune, or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter must not be examined until the applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:
- **46.4(1)** The applicant has attained proficiency of 200 words per minute or more in a shorthand reporting course.
- **46.4(2)** The applicant has had at least two years of experience as a shorthand reporter in making verbatim records of judicial or related proceedings.
- **46.4(3)** The applicant has graduated from a shorthand reporting school approved by the National Court Reporters Association.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.5 Examination.

- **46.5(1)** Applicants are required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as required at varying speeds within the standard.
- **46.5(2)** Applicants will be examined with respect to their knowledge of the statutory duties of a court reporter, general Iowa court procedure, and correct English usage at a 70 percent or better accuracy rate.
- **46.5(3)** Applicants are required to transcribe such part of the dictation as the board of examiners may indicate.
- **46.5(4)** Applicants are required to read aloud such part of the dictated matter as the board of examiners may indicate.
- **46.5(5)** Applicants are required to furnish their own equipment and supplies for taking shorthand. Applicants must make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.
- **46.5(6)** Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination must be returned to the board.
- **46.5(7)** Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters must be used as a guide to procedure.

[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.6 Certification. Each person who has achieved the designation of certified shorthand reporter will be issued a certificate by the board. The certificate may be signed by the chairperson and secretary or by all of the board members.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.7 Fees.

- **46.7(1)** The fee for each examination is \$200.
- **46.7(2)** The fee for annual renewal is \$85.
- **46.7(3)** The fee for late filing of an annual report is \$100.
- **46.7(4)** The fee for reinstatement from a suspension is \$100.
- **46.7(5)** The fee for reinstatement for one granted a certificate of exemption is \$50.
- 46.7(6) The fee for an extension for obtaining continuing education credit is \$50.

[Court Order June 5, 2008, effective July 1, 2008; July 17, 2013, effective September 1, 2013]

Rule 46.8 Continuing education requirement.

46.8(1) Units of continuing education credits as approved by the board must be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements will be grounds for disciplinary action under rule 46.11. In order to comply, a reporter must meet the requirements of rule 46.8(1)(a) or 46.8(1)(b):

- a. Continuing education requirements.
- (1) A reporter must obtain at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit equals .1 CEU.
- (2) Continuing education activities must be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional, or state seminar will be acceptable.
- (3) CEUs earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but cannot be carried over to any successive three-year period.
- (4) The annual reporting cycle will run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.
- b. Alternative requirements. In lieu of the requirements set forth in rule 46.8(1)(a), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.
- **46.8(2)** The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time will be granted unless written application is made and signed by the reporter. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.
- **46.8(3)** Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption must contain a statement that the applicant will not engage in the practice of shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.
- **46.8(4)** Inactive practitioners who have been granted a certificate of exemption from these regulations or who have been suspended must, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:
- a. Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of \$50.
 - b. Furnish in the application evidence of one of the following:
- (1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.
- (2) Completion of CEUs sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.
- (3) Successful passing of either the State of Iowa's certificate examination or the National Court Reporters Association's examination within one year immediately prior to the submission of such application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.9 Approval of activity. A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations must submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested. Within 60 days after receipt of such application, the board must advise the reporter in writing by electronic mail whether the activity is approved and the number of hours are allowed. A reporter not complying with the requirements of this rule may be denied credit for such activity.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.10 Continuing education reports.

46.10(1) On or before December 1 of each year, each reporter must file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the

prior reporting period. The report, along with the annual renewal fee, must be submitted and filed electronically using the reporter's account with the office of professional regulation.

46.10(2) All active reporters who fail to file the annual report on or before December 1 of each year must pay a penalty of \$100.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.11 Penalty for failure to satisfy continuing education requirements. The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits, provided that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter must be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board must grant a hearing if requested. If the board orders a suspension or revocation it must notify the reporter by either of the methods provided above. The suspension or revocation must continue until the board has approved the reporter's written application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.12 Disciplinary action. The board may, upon its own initiative, at the request of the Iowa Supreme Court, or pursuant to complaint by a third party, begin disciplinary procedures against any reporter for violations of the board rules or the Code of Iowa.

46.12(1) Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint must include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter that the complainant may have concerning the matter.

46.12(2) Such complaint, which will be held in confidence as required by law, must be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board must advise the reporter in writing of the charges involved. The reporter has 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board must then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.13 Causes for disciplinary action. The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

46.13(1) All grounds listed in Iowa Code section 602.3203.

46.13(2) Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

46.13(3) Conviction of a misdemeanor related to the profession or occupation of the reporter.

46.13(4) Unless otherwise required by law, a violation of Iowa Rule of Civil Procedure 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

46.13(5) The board's receipt of a certificate of noncompliance from the Child Support Recovery Unit pursuant to the procedures set forth in Iowa Code chapter 252J.

46.13(6) The board's receipt of a certificate of noncompliance from the Iowa College Student Aid Commission pursuant to the procedures set forth in Iowa Code chapter 261.

46.13(7) The board's receipt of a certificate of noncompliance from the Central Collection Unit of the Iowa Department of Revenue pursuant to the procedures set forth in Iowa Code chapter 272D. [Court Order June 5, 2008, effective July 1, 2008; December 12, 2011; December 13, 2017, effective January 1, 2018]

Rule 46.14 Contested case proceedings.

- **46.14(1)** Contested case proceedings that involve possible disciplinary sanctions must be set for hearing on not less than 10 days' notice to all parties. Notice of hearing must be in writing and must be served either by personal service or certified mail, return receipt requested.
 - **46.14(2)** The notice must include all of the following information:
 - a. A statement of the time, place, and nature of the hearing.
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - c. A reference to the particular sections of the statutes and rules involved.
- d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
- **46.14(3)** If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjustment is granted, proceed with the hearing and make a decision in the absence of the party.
- **46.14(4)** Opportunity should be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.
- **46.14(5)** Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by another method agreed upon by the parties in writing.
- **46.14(6)** After the conclusion of a hearing, the board must take any of the actions set forth in rule 46.15. The board's actions must be set forth in writing, and a copy of the conclusions and decisions must be served upon all parties and the Iowa Supreme Court. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board must be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it must report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.
- **46.14(7)** Procedures for the handling of all contested case proceedings are governed, to the extent not specifically set forth in this chapter, by the Iowa Administrative Procedure Act. [Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]
- **Rule 46.15 Disciplinary sanctions.** The board may, based upon the evidence presented, take one or more of the following actions:
 - 46.15(1) Dismiss the charges.
 - **46.15(2)** Informally stipulate and settle any matter relating to the reporter's discipline.
 - **46.15(3)** Require additional professional education.
 - **46.15(4)** Issue a citation and warning regarding the reporter's behavior.
 - **46.15(5)** Reprimand.
 - **46.15(6)** Impose a period of probation.
 - **46.15**(7) Suspend the certificate.
 - **46.15(8)** Revoke the certificate.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.16 Military service and veteran reciprocity.

46.16(1) *Definitions*. In this rule:

- a. "Military service" means honorably serving: in federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. section 10101.
- b. "Military service applicant" is an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.
 - c. "Veteran" is an individual who meets the definition of "veteran" in Iowa Code section 35.1(2).
- **46.16(2)** Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for certification by submitting a military service application to the board.
- a. The application may be submitted with an application for certification or examination or prior to an applicant's applying for certification or to take an examination. No fee is required for submission of an application for military service credit.

- b. The applicant must identify the experience or educational certification requirement to which the credit would be applied if granted. Credit may not be applied to an examination requirement.
- c. The applicant must provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (DD Form 2586).
- d. Upon receipt of a completed military service application, the board will promptly determine whether the verified military education, training, or service satisfies all or any part of the identified experience or educational qualifications for certification.
- e. The board will grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for certification.
- f. The board will inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for certification, or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.
- g. A military service applicant aggrieved by the board's decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs may be assessed against the military service applicant in connection with a contested case conducted pursuant to this rule 46.16(2).
- h. The board will grant or deny the military service application prior to ruling on the application for certification. The applicant is not required to submit any fees in connection with the certification application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the certification application or request that the application be placed in pending status for up to one year or as mutually agreed. Withdrawal of a certification application does not preclude subsequent applications supported by additional documentation or information.

46.16(3) *Veteran reciprocity.*

- a. A veteran with an unrestricted professional certificate as a shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. A veteran must pass any examinations required for certification to be eligible for certification through reciprocity and will be given credit for examinations previously passed when consistent with board rules on examination requirements. A veteran's fully completed application for certification submitted under rule 46.16(3) will be expedited and given priority.
- b. A veteran's application for certification must contain all of the information required of all applicants for certification who hold unrestricted certificates in other jurisdictions and who are applying for certification by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant must use the same forms as any other applicant for certification by reciprocity and must additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2).
- c. Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.
- d. The board will promptly grant a certificate to the veteran if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.
- e. If the board determines that the certification requirements in the jurisdiction in which the veteran is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the veteran of the additional experience, education, or examinations required for certification in Iowa.

- f. Unless the applicant is ineligible for certification based on other grounds, such as disciplinary or criminal background, the following apply:
- (1) If a veteran has not passed the required examinations for certification, the applicant may not be issued a provisional certificate but may request that the certification application be placed in pending status for up to one year or as mutually agreed to provide the veteran with the opportunity to satisfy the examination requirements.
- (2) If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional certificate for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board may issue a provisional certificate for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare, or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional certificate is granted.
- (3) If a request for a provisional certificate is denied, the board will issue an order fully explaining the decision and inform the applicant of the steps the applicant may take to receive a provisional certificate.
- (4) If a provisional certificate is issued, the application for full certification will be placed in pending status until the applicant successfully completes the necessary experience or education or the provisional certificate expires, whichever occurs first. The board may extend a provisional certificate on a case-by-case basis for good cause.
- g. A veteran who is aggrieved by the board's decision to deny an application for a reciprocal certificate or a provisional certificate, or who is aggrieved by the terms under which a provisional certificate will be granted, may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs will be assessed against the veteran in connection with a contested case conducted pursuant to this rule 46.16(3).
- **46.16(4)** Substantially equivalent certification requirements. The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate, by examination administered by the licensing authority of the jurisdiction, proficiency in shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.17 Certification by reciprocity.

- **46.17(1)** An applicant with an unrestricted professional certificate as a stenographic shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. The applicant will be given credit for examinations previously passed when consistent with board rules on examination requirements.
- **46.17(2)** An applicant's application for certification must contain completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check.
- **46.17(3)** Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the applicant is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: method of practice, scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification
- **46.17(4)** The board will promptly grant a certificate to the applicant if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.
- 46.17(5) If the board determines that the certification requirements in the jurisdiction in which the applicant is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the applicant of the additional experience, education, or examinations required for certification in Iowa.

- **46.17(6)** An applicant who is aggrieved by the board's decision to deny an application for a reciprocal certificate may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision.
- **46.17(7)** The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate by examination, administered by the licensing authority of the jurisdiction, proficiency in stenographic shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order October 15, 2015; December 13, 2017, effective January 1, 2018]

CHAPTER 47 COURT INTERPRETER AND TRANSLATOR RULES

Rule 47.1	Definitions
Rule 47.2	Minimum qualifications of a court interpreter
Rule 47.3	Scheduling and appointing a court interpreter
Rule 47.4	Classification of oral language court interpreters
Rule 47.5	Classification of sign language court interpreters
Rule 47.6	Iowa roster of court interpreters
Rule 47.7	Reserved
Rule 47.8	Application; test registration; continuing education fees
Rule 47.9	Language Access in the Courts Advisory Committee
Rule 47.10	Complaint and disciplinary process
Rule 47.11	Recording of court proceedings
Rule 47.12	Court interpreter and translator compensation
Rule 47.13	Written translations of court-related material
Rule 47.14	Application of rules to administrative agency proceedings
Rule 47.15	Administration
Rule 47.16	Immunity

CHAPTER 47 COURT INTERPRETER AND TRANSLATOR RULES

[Prior to April 1, 2008, see Chapter 14]

Rule 47.1 Definitions. As used in this chapter:

Certified deaf interpreter (CDI). A "CDI" is an interpreter who is deaf, has obtained a Certified Deaf Interpreter certificate or a Certified Legal Interpreter Provisional—Relay (CLIP-R) certificate from the Registry for Interpreters for the Deaf (RID), and who provides interpreting services to deaf persons with linguistic differences that prevent them from fully utilizing a traditional American Sign Language (ASL) interpreter.

Court interpreter or interpreter. A "court interpreter" or "interpreter" means an oral or sign language interpreter who transfers the meaning of spoken or written words or signs into the equivalent meaning in another oral or sign language during a legal proceeding.

Court-ordered program. A "court-ordered program" is a predisposition program in which a court has ordered a party to participate.

Court personnel. "Court personnel" includes clerk of court staff and district court administration staff.

Court proceeding. A "court proceeding" is any action before a state court judicial officer that has direct legal implications for any person.

Legal proceeding. A "legal proceeding" includes any court proceeding, any deposition conducted in preparation for a court proceeding, any case settlement negotiation in an existing court case, and any attorney-client communication necessary for preparation for a court proceeding in an existing court case.

Limited English proficient (LEP) participant or person. An "LEP participant" or "LEP person" has a limited ability to speak, read, write, or understand English because the person's primary language is not English or because the person is deaf, deaf-blind, or hard-of-hearing.

Participant in a legal proceeding. A "participant in a legal proceeding" is any of the following: a party or witness in a court or legal proceeding; a party participating in a court-ordered program; a parent, guardian, or custodian of a minor party involved in a juvenile delinquency proceeding; a deaf, deaf-blind, or hard-of-hearing attorney; or a deaf, deaf-blind, or hard-of-hearing person summoned for jury duty or grand jury duty.

Reasonably available interpreter. Subject to the exceptions identified in rule 47.3(6), a "reasonably available interpreter" is an interpreter available and willing to provide in-person services at the time and location of the legal proceeding and who resides within 150 miles of the location where the legal proceeding will occur. A reasonable distance could be more than 150 miles when an interpreter of an uncommon language is needed or the case could result in serious consequences for one of the parties, including but not limited to termination of parental rights, a sentence to serve time in a state correctional facility, or substantial financial damages.

Translator: A "translator" accurately transfers the meaning of written, oral, or signed words and phrases in one language into the equivalent meaning in written words and phrases of a second language, or accurately produces a written transcript in English of electronically recorded testimony or other court communication in which one or more of the participants has limited English proficiency.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

Rule 47.2 Minimum qualifications of a court interpreter.

47.2(1) *Qualifications.*

- a. Minimum age. A court interpreter must be at least 21 years old.
- b. Education. A court interpreter must have completed at least the equivalent of two years or 48 credit hours of college courses or must have completed the requirements in rule 47.4 or 47.5 to qualify for the Iowa roster of court interpreters.
 - c. Approval of office of professional regulation.
- (1) Court interpreter application form. A court interpreter must complete an application form, developed by the director of the Office of Professional Regulation of the Iowa Supreme Court (the OPR), on which the interpreter provides information about the interpreter's education, experience,

prior misconduct, and references to assist the court in determining the interpreter's qualifications for court interpreting.

- (2) Criminal records search. A criminal records search will be completed by the OPR or a designee of the OPR at the time the application to be a court interpreter is filed with the OPR. The criminal record search may be waived for an interpreter who has had a criminal records search completed by the OPR or a designee of the OPR within six months of the filing date of the application.
- (3) No prior disqualifying misconduct. The OPR will review the applicant's application and criminal background check for possible disqualifying misconduct as identified in rule 47.2(1)(c)(3). When reviewing possible disqualifying misconduct, the OPR will weigh any mitigating or aggravating factors identified in rule 47.10(6) and the applicant's candor in the application process. The OPR may determine whether the misconduct disqualifies the applicant from being a court interpreter. Possible disqualifying misconduct includes:
- 1. A felony or any lesser crime of dishonesty or moral turpitude for which the applicant was convicted in any jurisdiction. An offense is a felony if it was classified as a felony in the jurisdiction where the conviction was entered at the time of the conviction.
- 2. Ethical misconduct that resulted in the bar or suspension of the interpreter from interpreting in any jurisdiction.
- d. Oath or affirmation. At the start of a court proceeding or a deposition in which an interpreter is present to facilitate communication with an LEP participant, the judicial officer presiding at the court proceeding or an attorney involved in taking the deposition must ask the interpreter on the record to swear or affirm that the interpreter has the knowledge and skills to interpret completely and accurately in a legal proceeding, understands and will abide by the Code of Professional Conduct for Court Interpreters and Translators in Chapter 48 of the Iowa Court Rules, and will interpret in court to the best of the interpreter's ability.
- e. Sign language interpreter qualifications. In addition to meeting the minimum qualifications in rules 47.2(1)(a) through (d), a sign language interpreter must be licensed by the Iowa Board of Sign Language Interpreters and Transliterators pursuant to Iowa Code chapter 154E, except as allowed under Iowa Code section 154E.4, and must meet the qualifications to be at least a Class B interpreter in rule 47.5(2).
 - **47.2(2)** Waiver of minimum qualifications for oral language court interpreters.
- a. Waiver only in extraordinary circumstances. A court may waive minimum qualifications for an oral language court interpreter only in extraordinary circumstances.
- (1) For court proceedings expected to last approximately 30 minutes or less, extraordinary circumstances exist when there is no reasonably available interpreter to provide in-person services and when there is no qualified interpreter available through a remote audio or video interpreter service consistent with rule 47.3(7).
- (2) For court proceedings expected to last more than approximately 30 minutes, extraordinary circumstances exist when there is no reasonably available interpreter to provide in-person services. In this circumstance, the court may waive the minimum requirements in rules 47.2(1)(a) through (c) subject to the following limitations:
- 1. If waiving the minimum age requirement in rule 47.2(1)(a), the court may approve an interpreter who is not less than 18 years old.
- 2. If waiving the minimum education requirement of rule 47.2(1)(b), the court may approve an interpreter who has at least a high school diploma or its equivalent.
- b. Before waiving minimum qualifications. Before waiving minimum qualifications, the court should reschedule a court proceeding if it is likely that the additional time will allow court personnel to obtain the services of an interpreter who meets at least the minimum qualifications and the delay will not result in a failure to meet a statutory or constitutional deadline for conducting the court proceeding.
- c. Waiver of interpreter qualifications on the record. Whenever the court waives one or more of the qualifications under rule 47.2(1), the court must explain the reasons for the waiver on the record. [Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

Rule 47.3 Scheduling and appointing a court interpreter.

47.3(1) Persons who qualify for appointment of a court interpreter. When the court or court personnel have a reasonable basis to believe a person has limited English proficiency, unless the

court determines that another reasonable accommodation is appropriate, the person qualifies for appointment of a court interpreter if the LEP person is a participant in a legal proceeding.

- 47.3(2) Application for appointment of a court interpreter. An attorney must file an application for appointment of a court interpreter with the clerk of court as soon as the attorney learns that the attorney's client or a witness for a client needs an interpreter for a court proceeding. A self-represented party should file an application for appointment of a court interpreter with the clerk of court as soon as possible after the party learns that the party or a witness for the party needs an interpreter for a court proceeding. Court personnel should obtain the assistance of an interpreter while helping an unrepresented LEP party complete the form.
- **47.3(3)** Responsibility for selection and appointment of a court interpreter. When a court or court personnel learn that an interpreter is needed for an LEP participant in a court proceeding, court personnel will contact and select the most qualified interpreter who is reasonably available using the priorities established in rules 47.3(4) through (7). This responsibility cannot be delegated to an attorney or party involved in the case.
- **47.3(4)** Priorities in the selection of an oral language interpreter. Subject to exceptions identified in rule 47.3(6), the court or court personnel must select the highest classified interpreter who is reasonably available for the court proceeding, giving preference to interpreters who are on Iowa's roster of court interpreters and using the following classification order:
 - a. Class A certified interpreter, defined in rules 47.4(1) and 47.4(5)(a).
 - b. Class B noncertified interpreter, defined in rule 47.4(2).
 - c. Class C noncertified interpreter, defined in rules 47.4(3) and 47.4(5)(b).
- d. Oral language interpreter on the list of approved interpreters in another jurisdiction. When there is no interpreter on Iowa's roster of court interpreters who is reasonably available, court personnel must seek an interpreter who is on an official list of certified or qualified interpreters approved by another state court system before selecting an unclassified interpreter as defined in rule 47.4(4).
- e. Unclassified noncertified interpreter, defined in rule 47.4(4). An unclassified interpreter will be selected only when there is no reasonably available interpreter who meets the minimum qualifications of rule 47.2(1).
- **47.3(5)** Priorities in the selection of a sign language interpreter. Subject to exceptions identified in rule 47.3(6), the court or court personnel will select the highest classified interpreter who is reasonably available for a court proceeding using the following classification order, and within each classification, will give preference to interpreters who are on Iowa's roster of court interpreters:
 - a. Class A certified interpreter, as defined in rule 47.5(1).
 - b. Class B noncertified interpreter, as defined in rule 47.5(2).
 - **47.3(6)** *Exceptions to the priorities for selecting a court interpreter.*
- a. Court proceedings within a magistrate's jurisdiction. For any court proceeding within a magistrate's jurisdiction, except a court proceeding involving a simple misdemeanor domestic assault charge, the court may appoint a reasonably available Class B or Class C noncertified interpreter on Iowa's roster of court interpreters before seeking the services of a Class A certified interpreter.
- b. Interpreter required on short notice. If a court receives notice for the need of an interpreter on the day the court proceeding is scheduled to occur or after 4 p.m. the previous workday, and the court determines that rescheduling the court proceeding would not be appropriate under the circumstances, the court may appoint the highest classified interpreter who is available to interpret at the required time and location. A Spanish interpreter, however, must be at least a Class C interpreter, and an American Sign Language interpreter must be at least a Class B interpreter.
 - c. Unavailability of certified court interpreter.
- (1) If court personnel are unable to locate a reasonably available certified court interpreter for a legal proceeding in an indictable criminal case or termination of parental rights case, court personnel will conduct a regional or national search.
- (2) If court personnel are unable to locate a reasonably available certified court interpreter for cases other than indictable criminal or termination of parental rights, court personnel may conduct a regional or national search.
- (3) If court personnel are unable to locate an available certified court interpreter after a regional or national search, court personnel will attempt to locate a noncertified interpreter who is on the Iowa roster of court interpreters or who is on a list of qualified noncertified interpreters maintained by another state court system.

- (4) If court personnel are unable to locate an available certified or a qualified noncertified interpreter under rules 47.3(6)(c)(1) through (3), court personnel may appoint an interpreter who is not on a list of qualified interpreters maintained by any state court system.
- (5) Court personnel may request assistance from state court administration in conducting a regional or national search for a court interpreter.
- d. Civil pretrial proceedings. For any proceeding other than a trial, the court may appoint a reasonably available Class B noncertified interpreter.
 - 47.3(7) Interpreter services through remote audio or video communications technology.
- a. For a brief court proceeding expected to last 30 minutes or less, a court may appoint an appropriate interpreter available through a remote audio or video interpreter service.
- b. A court may appoint a remote audio or video interpreter only from a service the state court administrator has approved.
- c. A remote video sign language interpreter must be a Class A certified interpreter or Class B noncertified interpreter as defined in rule 47.4(1) or 47.4(2).
- d. For a brief court proceeding expected to last 30 minutes or less, a court may appoint a remote Class A certified interpreter or Class B noncertified interpreter instead of a less qualified interpreter available to interpret in person.
- e. The court will enter into the record of the court proceeding the interpreter's name, the interpreter services company that provided the interpreter (if applicable), and the interpreter's formal education, interpreter testing and training, experience as an interpreter, and experience as a court interpreter.
- f. A court may approve a remote interpreter only if the court concludes that the interpreter has the qualifications to be a competent court interpreter.
- g. Before or at a court proceeding for which a remote interpreter is appointed to facilitate communication with an LEP participant, the court will enter an order appointing the remote interpreter consistent with rule 47.3(8).
- h. If the court declines to appoint an interpreter who appears at a court proceeding or discontinues use of an interpreter after a court proceeding has begun and the hearing will be approximately 30 minutes or less, the court may obtain an interpreter through a remote interpreter service approved by the state court administrator; otherwise the court may postpone the court proceeding to allow time for court personnel to procure the services of a qualified interpreter consistent with the criteria in rules 47.3(4) through (6).
 - **47.3(8)** *Order appointing a court interpreter.*
- a. When a court interpreter is identified consistent with rule 47.3, the court will enter an order appointing the interpreter prior to the legal proceeding, unless the court has previously entered an order appointing the interpreter for all subsequent proceedings in the case.
- b. When the court appoints an interpreter for an LEP defendant at an initial appearance, whether the interpreter appears in person or through a remote interpreter service, the order appointing the interpreter must also include the appointment of a qualified interpreter for all subsequent proceedings in the case consistent with rules 47.3(4) through (7), or the order must direct the district court administrator to schedule a qualified interpreter for all subsequent proceedings in the case consistent with rules 47.3(4) through (7).
- c. An order appointing an interpreter must identify the interpreter's classification under rule 47.4, identify the sign or oral language for which the interpreter is needed, and set the level of compensation for the interpreter consistent with the state court administrator's standard statewide fees and policies for compensation.
 - **47.3(9)** Examination of court interpreter qualifications.
- a. At the start of any court proceeding for which an interpreter will be providing services, the court will question the interpreter on the record regarding the interpreter's classification. If the interpreter is not a Class A or Class B interpreter, the court will inquire on the record about the interpreter's education, knowledge of English and the other language, and interpreting experience.
- b. If the court finds that the interpreter meets the minimum qualifications in rule 47.2(1), is the highest classified interpreter who is reasonably available consistent with rules 47.3(4) through (7), and has no disqualifying conflict of interest, the court may approve an existing order appointing the interpreter or may enter an order appointing the interpreter.
- c. At any time during the court proceeding, if the court finds a reasonable basis to believe that an interpreter does not have the appropriate knowledge, skills, or experience to competently interpret

the court proceeding, or that the interpreter has a disqualifying conflict of interest, the court must discontinue use of the interpreter.

- 47.3(10) Persons prohibited from appointment as a court interpreter. A court may not appoint a person to be a court interpreter in a legal proceeding if that person is a family member or personal friend of any of the parties or of the person needing an interpreter, or of any person involved in the legal proceeding, including but not limited to: a domestic abuse advocate, attorney, court-appointed special advocate (CASA), juvenile court officer, law enforcement officer, or social worker.
 - **47.3(11)** *Disclosure of conflicts of interest and objections to a court interpreter.*
- a. A court interpreter must promptly inform the court of any known factors that could constitute a conflict of interest for the interpreter in the legal proceedings.
- b. Objections regarding a court interpreter's competence or conflict of interest must be made within a reasonable time after the grounds for the objection become apparent.
- c. Class A and Class B court interpreters, as defined in rule 47.4 and rule 47.5, are presumed competent to interpret in all legal proceedings.
 - d. The court will make rulings on objections on the record.
 - **47.3(12)** *Number of court interpreters.*
- a. A court may appoint more than one interpreter if it finds a reasonable basis for multiple interpreters for the court proceeding.
- b. When a party needs an interpreter and the court expects the interpreted event on a given day to be complex or to last more than four hours, the court must appoint more than one interpreter to serve as a team or as relay interpreters during the court proceeding and may appoint more than one interpreter for a deposition.
- c. When determining whether a court proceeding that is expected to be less than four hours is complex, the court may consider the following: the number of parties or participants who will need an interpreter; whether both a witness and a party will need an interpreter at the same time; whether technical or specialized terms will be used frequently in the court proceeding; and whether the gravity of the court proceeding enhances concern for the accuracy of the interpretation.
- d. When two or more parties with adverse interests in a case need an interpreter, the court will appoint a separate interpreter for each party, unless the parties waive the right to separate interpreters.
- e. When an appointed American Sign Language (ASL) interpreter reports difficulty communicating with an LEP participant, the court may appoint a certified deaf interpreter (CDI) to work as a relay interpreter with the ASL interpreter.
- f. Whenever a government entity will be responsible for paying the interpreters, more than one interpreter will be paid for services during the same court or legal proceeding only if a court enters an order appointing more than one interpreter.
- 47.3(13) Interpreter cancellation and substitution. When a court interpreter learns that the interpreter will be unable to fulfill the terms of an appointment or agreement to interpret during a court proceeding, the interpreter must:
- a. Promptly arrange for a substitute interpreter who resides in the county where the court proceeding is scheduled to occur, or a county contiguous to that county, and who has a classification under rule 47.4 that is equal to or greater than the original interpreter's classification. When a substitute interpreter has been secured, the original interpreter must promptly inform the district court administrator's office or the clerk of district court where the court proceeding is scheduled and the attorney whose client needs an interpreter, if applicable, regarding the substitution.
- b. If the original interpreter is unable to secure a substitute interpreter consistent with rule 47.3(13)(a), the original interpreter must promptly inform the district court administrator's office or the clerk of district court where the court proceeding is scheduled that a substitute interpreter is needed for the court proceeding.
 - **47.3(14)** Reimbursement of oral language interpreter fees paid by state court administration.
- a. For purposes of rule 47.3(14), "interpreter" applies only to oral language interpreters and translators.
- b. When state court administration pays an interpreter for services provided to an LEP participant in a court proceeding, the court will apportion costs according to the following provisions:
- (1) In a criminal case in which an interpreter provided services for a non-indigent defendant, the court will order the defendant to pay the total amount of interpreter fees to the court.
- (2) In a child in need of assistance or termination of parental rights case in which an interpreter provided services for a parent, guardian, or custodian who was represented by a privately retained

attorney, the court will order the person who needed the interpreter to pay the total amount of interpreter fees to the court.

- (3) In a juvenile delinquency case in which an interpreter provided services for a parent whose child was the subject of a delinquency petition, the court will order the parent who needed an interpreter to pay the total amount of interpreter fees to the court.
- (4) In a civil case other than child in need of assistance or termination of parental rights, the court will tax the total amount of interpreter fees as court costs pursuant to Iowa Code sections 622A.3(2) and 625.1.
- c. This rule does not limit the authority of the court to order the repayment of interpreter fees paid by another public agency, such as the state public defender, pursuant to any applicable statute or rule that authorizes or requires the repayment.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

Rule 47.4 Classification of oral language court interpreters.

- **47.4(1)** Class A oral language court interpreter. A Class A oral language court interpreter is a certified interpreter who has met the requirements in rule 47.6 to be on the Iowa roster of court interpreters and has done one of the following:
- a. Satisfied all certification requirements for an oral language interpreter established by the Federal Court Interpreter Certification Program or the National Association of Judiciary Interpreters and Translators.
- b. Taken oral interpretation examinations for court interpreter certification approved by the Language Access Services Section of the National Center for State Courts (NCSC) and achieved a passing score of at least 70 percent correct on each of the three parts of the oral examination (sight interpretation of written documents, consecutive interpretation, and simultaneous interpretation) in a single test session.
- 47.4(2) Class B oral language court interpreter. A Class B oral language court interpreter is a noncertified interpreter who has met the requirements in rule 47.6 to be on the Iowa roster of court interpreters and has done one of the following by July 1, 2019:
- a. Taken one of the court interpreter certification examinations identified in rule 47.4(1)(b) and did not meet the test score requirements for certification, but achieved a score of at least 65 percent correct on each of the three parts of the oral interpretation examination in one test session.
- b. Met the oral interpretation examination score requirements for court interpreter certification in a state that uses the oral interpretation examinations approved by the NCSC, but did not achieve scores of at least 70 percent correct on each of the three parts of the oral examination in a single test session.
- **47.4(3)** Class C oral language court interpreter. A Class C oral language court interpreter is a noncertified interpreter who has met the criteria under rule 47.6 to qualify for the Iowa roster of court interpreters, but has not met the criteria under rule 47.4(1) or (2) to be a Class A or B oral language court interpreter.
- **47.4(4)** Unclassified oral language court interpreter. An unclassified oral language interpreter has not met the requirements under rule 47.4(1), (2), or (3) to be a Class A, Class B, or Class C oral language interpreter and has not met the requirements to be on an official list of qualified court interpreters in another state.
 - **47.4(5)** Oral language interpreters on a list of qualified interpreters approved by another state.
- a. Interpreters who have met the testing requirements for certification in rule 47.4(1)(a) or (b) by taking those examinations in another state, will be classified as certified court interpreters and receive the same hourly fee as Class A certified court interpreters in Iowa. These interpreters must still meet the requirements in rule 47.6 to be on the Iowa roster of court interpreters, and certified interpreters on the roster will receive preference for appointments over certified interpreters who are not on the roster.
- b. Interpreters who have met testing and training requirements to be included on a list of qualified court interpreters in another state, but who have not met the testing requirements in rule 47.4(1)(a) or (b), will be comparable to Class C interpreters in Iowa. These interpreters must still meet the requirements in rule 47.6 to be on the Iowa roster of court interpreters, and interpreters on the roster will receive preference in appointments over interpreters who are not on the roster.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; December 4,

2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 47.5 Classification of sign language court interpreters.

- **47.5(1)** Class A sign language court interpreter. A Class A sign language court interpreter is a certified interpreter who:
- a. Holds a permanent license issued by the Iowa Board of Sign Language Interpreters and Transliterators and a "specialist certificate: legal (SC:L)" or a conditional legal interpreting permit—relay (CLIP-R) from the National Testing System of the Registry of Interpreters for the Deaf (RID); or
- b. Is a licensed sign language court interpreter in a state other than Iowa that has licensing requirements comparable to the requirements in Iowa Code section 154E.3 and holds a valid SC:L from the RID. Pursuant to Iowa Code section 154E.4(2)(a), an interpreter who meets these requirements may interpret in Iowa for up to 14 days per year without obtaining an Iowa license.
- **47.5(2)** Class B sign language court interpreter. A Class B sign language court interpreter is a noncertified interpreter who:
- a. Holds a permanent license issued by the Iowa Board of Sign Language Interpreters and Transliterators and has at least one of the following certificates: a certificate based on the National Interpreter Certification (NIC) examination; an advanced (NAD IV) or master (NAD V) certificate from the National Association for the Deaf (NAD); a valid comprehensive skills certificate (CSC), a master comprehensive skills certificate (MCSC), both a certificate of interpretation (CI) and a certificate of transliteration (CT), or a certified deaf interpreter (CDI) certificate from the National Testing System of the RID; or
- b. Is a licensed sign language court interpreter in a state other than Iowa that has licensing requirements comparable to the requirements in Iowa Code section 154E.3, and who holds one of the certificates or qualifications identified in rule 47.5(2)(a) and is on a list of noncertified sign language interpreters (without an SC:L) approved by the state court interpreter program in another state. Pursuant to Iowa Code section 154E.4(2)(a) an interpreter who meets these requirements may interpret in Iowa for up to 14 days per year without obtaining an Iowa license.
- [Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

Rule 47.6 Iowa roster of court interpreters.

- 47.6(1) Management. The director of the OPR will maintain and publish the Iowa roster of court interpreters and may determine the order in which interpreters must complete the testing and training requirements in rule 47.4 to qualify for the roster. The OPR may remove an interpreter from the roster or change an interpreter's classification on the roster if a roster interpreter takes or retakes the oral language certification exam and achieves a score on one or more parts of the exam that is less than the minimum scores required to be on the roster. The OPR may also require a roster interpreter to retake the oral language interpreter certification exam if the OPR learns through an investigation that the interpreter failed to interpret at a level of competency comparable to the minimum language proficiency qualifications for being on the roster in rule 47.6(2)(d).
- **47.6(2)** Testing and training requirements. Beginning July 1, 2019, to be included on the roster, an interpreter must meet the qualifications in rule 47.4 and the following requirements:
- a. Ethics exam. All interpreters must take a written exam on the Code of Professional Conduct for Court Interpreters and achieve a score of at least 75 percent correct, unless the interpreter has taken the same or a similar exam in another state within the past five years and achieved a score of at least 75 percent correct.
- b. Written exam approved by the NCSC. Interpreters must achieve a score of at least 80 percent correct on a written exam for court interpreters that the National Center for State Courts (NCSC) has approved and that includes at least the following areas: general English vocabulary, legal terminology, and legal procedures. This requirement may be waived by the director of the OPR if the interpreter has taken the same test in Iowa or another jurisdiction within the past five years, achieved a score of 80 percent correct, and has regularly provided court interpreter services each year since taking the exam.
- c. Court interpreter orientation program. An interpreter must complete the court interpreter orientation program approved by the director of the OPR. The director of the OPR may waive this

requirement for an interpreter who has completed a similar training program in another jurisdiction, and who has regularly provided court interpreter services each year since completing that program.

- d. Oral interpretation exam.
- (1) An interpreter of a language for which one of the testing organizations identified in rule 47.4(1) offers a court interpreter certification exam must take one of the exams and achieve a score of at least 55 percent correct on each of the three parts of the exam (sight, consecutive, and simultaneous interpretation).
- (2) An interpreter of a language for which the NCSC does not offer a court interpreter certification exam must take the ALTA Language Services oral proficiency interview (speaking and listening) exam in English and the interpreter's other language, under the supervision of a designee of the director of the OPR, and must achieve a score of at least 11 (on a scale of 12) on each exam.
 - **47.6(3)** Retaking the court interpreter written and oral interpretation exams.
- a. Written multiple-choice exams. An interpreter may retake a written multiple-choice exam once in a six-month period. When there are multiple versions of a written exam, the OPR will rotate the exam versions.
- b. Oral language certification exams the OPR conducts. For oral language certification exams the OPR conducts, an interpreter may retake the same version of an exam once in a 12-month period. When there are multiple versions of the oral language certification exam, an interpreter must wait six months before taking a different version of the exam.
- c. Oral language certification exams the Federal Court Interpreter Certification Program conducts. Interpreters taking oral language certification exams the Federal Court Interpreter Certification Program conducts must comply with the rules established by the program regarding the retaking of the exams.
- d. ALTA Language Services oral proficiency interview (speaking and listening) exam. An interpreter may retake an ALTA Language Services oral proficiency exam only once in a six-month period.

[Court Order August 10, 2009; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; July 24, 2019, effective August 1, 2019]

Rule 47.7 Reserved.

Rule 47.8 Application; test registration; continuing education fees.

- **47.8(1)** The application fee to be an oral or sign language court interpreter is \$25. This fee cannot be waived or refunded.
- **47.8(2)** The registration fee for the two written examinations identified in rule 47.4(1)(a) is \$50 for Iowa residents and \$100 for nonresidents. If the applicant has already passed at least one of the two examinations, the registration fee is \$25 for Iowa residents and \$50 for nonresidents.
- **47.8(3)** The registration fee for each oral proficiency interview examination is \$65 for Iowa residents and \$130 for nonresidents.
- **47.8(4)** The registration fees for the three-part oral interpretation certification examination approved by the NCSC's Language Access Services Section is \$250 for Iowa residents and \$500 for nonresidents.
 - **47.8(5)** The annual continuing education reporting fee is \$10.
- **47.8(6)** All fees set forth in this rule must be paid to the OPR. The interpreter application fee is due at the time the application is filed. Test registration fees are due on or before the registration deadline established by the OPR. The annual continuing education reporting fee is due by May 15 of each year beginning in 2017.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015; May 18, 2015, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

Rule 47.9 Language Access in the Courts Advisory Committee. The Iowa Supreme Court will appoint a Language Access in the Courts Advisory Committee (advisory committee) to provide guidance to the state court administrator regarding language access policies in the courts and to assist

the OPR in administering the continuing education and disciplinary systems for court interpreters and translators.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015]

Rule 47.10 Complaint and disciplinary process.

- **47.10(1)** *Purpose.* These rules establish the procedure whereby an oral or sign language interpreter or translator may be removed or suspended from the roster described in rule 47.6.
- **47.10(2)** Applicability. These rules apply to the delivery of services by oral and sign language interpreters or translators in any legal proceeding, court-ordered program, or office of the Iowa Judicial Branch.
 - **47.10(3)** Procedures for complaints against oral language court interpreters or translators.
- a. Complaints. A complaint against a court interpreter or a translator must be filed with the OPR on a form available from that office or through the Iowa Judicial Branch website. A complaint must be signed by the complainant, provide the complainant's full address, telephone number, and email address, if any, and contain substantiating evidence supporting the complaint. The OPR or the state court administrator may also initiate a complaint.
- b. Review of complaints. The OPR will review all complaints and may seek additional information from the complainant as well as a response from the court interpreter or translator if the OPR deems necessary. If the OPR determines that the allegations made within the complaint are serious enough to warrant the suspension or removal of the court interpreter or translator from the roster, then the OPR will forward the complaint, response, and any investigative materials to the chair of the advisory committee. The chair will appoint a panel of at least three advisory committee members to consider the complaint.
- c. Dismissal of complaints. The advisory committee panel may dismiss the complaint without further action if it appears the complaint wholly lacks merit, alleges conduct that does not constitute misconduct or rise to the level of a disciplinary violation under the Code of Professional Conduct for Court Interpreters and Translators, or does not comply with the requirements for a complaint or is not supplemented as requested. In such instances, the OPR will notify the complainant of the advisory committee panel's decision. The advisory committee panel's summary dismissal is not subject to review.
- d. Responses to complaints. If the advisory committee panel does not dismiss the complaint, it will notify the interpreter or translator of the complaint in writing. The notice should state that the interpreter or translator may provide a written response to the complaint, request a hearing, or both, within 30 days from the date of the notice. If a written response has previously been provided, the advisory committee panel may, at its discretion, request a supplemental response.
- e. Advisory committee action. If the advisory committee panel does not dismiss the complaint, the panel will review the complaint upon the papers filed unless the interpreter or translator requests a hearing or the panel determines that a hearing is necessary.
 - f. Hearing and decision.
- (1) *Time and format of hearing*. A hearing will be scheduled to occur within 60 days after the complaint is assigned to the advisory committee panel. The hearing will be informal and strict rules of evidence will not apply. During the hearing, the interpreter or translator has the right to be represented by counsel at the interpreter's or translator's expense, to confront and cross-examine witnesses, and to present evidence.
- (2) Location; subpoenas; recording. The hearing will be held at the Judicial Branch Building unless the OPR and the interpreter or translator agree otherwise. An advisory committee panel member, the interpreter or translator, the director of the OPR, or the director's designee, may request the clerk of the district court of the county in which the disciplinary hearing is to be held to issue subpoenas in connection with the matter, and the clerk will issue the subpoenas. Any member of the advisory committee panel is empowered to administer oaths or affirmations to all witnesses. The hearing will be recorded electronically, unless the interpreter or translator pays for a court reporter and the subsequent transcript, if necessary.
- (3) Burden of proof. Any grounds for discipline under rule 47.10(5) must be shown by a convincing preponderance of the evidence.
 - (4) Advisory committee panel actions. The advisory committee panel may:
 - 1. Dismiss the complaint.

- 2. Impose a private admonition.
- 3. Require the interpreter to refund fees to a client for court interpreter services by a specified date to remain on the roster.
- 4. Require that the interpreter take specified education courses by a specified date to remain on the roster.
- 5. Require that the interpreter retake and pass the written, oral certification, and/ or ethics examinations by a specified date to remain on the roster.
 - 6. Suspend or revoke the interpreter's roster status or certification, if any.
- 7. Suspend or bar the interpreter from interpreting in legal proceedings or court-ordered programs, or both.
- (5) Advisory committee panel decision. The advisory committee panel will file a written decision with the chair of the advisory committee, with a copy sent to the OPR. The OPR will promptly forward a copy of the decision to the interpreter or translator by email and ordinary mail to the address on record with the OPR. If the determination of the advisory committee panel was a suspension or revocation of the interpreter or translator's roster status or certification, the OPR will immediately remove the interpreter or translator from the roster unless otherwise instructed in writing by the chair of the advisory committee.
- g. Petition for review. The interpreter or translator may file a petition for review of the advisory committee panel's decision with the state court administrator. The petition for review must be received by the state court administrator within 30 days after the OPR mails the decision to the interpreter or translator. The petition must state all claims of error that were raised before the panel and the reasons for challenging the panel's determination. The OPR will transmit the complete record in the case to the state court administrator.
- h. Submission and decision on review. Unless the state administrator requests otherwise, the petition will be submitted based upon the record previously made and without supplementation or hearing. After considering the record, the state court administrator or the state court administrator's designee may sustain or deny the petition or enter such other appropriate order. The state court administrator's order is conclusive, and no petition for rehearing is permitted.
- i. Costs. Costs of the disciplinary proceeding will be assessed against the interpreter or translator for any private admonition, public sanction, or any agreed disposition that taxes costs against the interpreter or translator. For purposes of this rule, costs include those expenses normally taxed as costs in state civil actions pursuant to Iowa Code chapter 625, including but not limited to expert witness fees and translation, transcription, and interpreter fees. The interpreter or translator must pay the costs as a condition for reinstatement.
- j. Application for reinstatement. An interpreter or translator may file an application for reinstatement from an order suspending or revoking a certification, roster status, or privilege of interpreting or translating in court. The application must be filed with the OPR and include payment of a \$100 reinstatement fee. The application must show that all conditions for reinstatement imposed in the panel's decision or any resulting state court administrator decision have been satisfied, the interpreter or translator is currently fit to interpret or translate in court, and all costs have been paid. The interpreter or translator must also swear or affirm that the interpreter or translator did not provide interpreting or translating services in any legal or court proceeding during the suspension period.
- k. Reinstatement decision. The OPR will review the application for reinstatement and, if the requirements have been fulfilled, may reinstate the interpreter or translator on the roster. If any requirement has not been fulfilled, the OPR will inform the interpreter or translator of what remains to be completed before reinstatement on the roster can occur.
 - l. Confidentiality.
- (1) All records, papers, proceedings, meetings, and hearings of the advisory committee panel are confidential, unless the panel imposes the following: a public reprimand; a suspension or revocation of a certification, roster status, or privilege to interpret or translate before the courts; a requirement that fees be refunded to a client for court services; or a form of discipline that the panel and the interpreter or translator agree should be made public.
- (2) If the advisory committee panel imposes public discipline, the decision and the complaint will become public upon filing with the OPR.
- (3) If the advisory committee panel does not impose public discipline and the records do not become public documents, the records and papers will remain confidential unless they are ordered released by a judge in a related court case. The party or attorney requesting the confidential records

must sufficiently demonstrate to the judge the relatedness of the records to the court case in question. The records are not otherwise subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the interpreter or translator, the attorneys, or the attorneys' agents involved in the disciplinary proceeding before the advisory committee panel.

- (4) Every witness in every disciplinary proceeding under rule 47.10 must swear or affirm to tell the truth and not to disclose the existence of the disciplinary proceedings or the identity of the interpreter or translator until the disciplinary proceeding is no longer confidential under these rules.
- (5) Any communications, papers, and materials concerning any complaint that may come into the possession of a committee member are confidential, and the member must keep such confidential material in a safe and secure place.
- (6) Nothing in this rule prohibits the advisory committee or an advisory committee panel from releasing any information regarding possible criminal violations to appropriate law enforcement authorities, wherever located, or to interpreter or translator disciplinary and admission authorities in other jurisdictions.
- m. Temporary suspension. Notwithstanding the provisions of this rule, the state court administrator may temporarily remove an interpreter or translator from the roster and suspend the interpreter's right to interpret or translate in legal proceedings, court-ordered programs, and offices of the Iowa Judicial Branch upon a showing of a clear violation of the Iowa Code of Professional Conduct for Court Interpreters and Translators or exigent circumstances demonstrating that the interpreter or translator currently lacks the capacity to interpret court proceedings or translate court documents. Any suspension of an interpreter's or translator's right to interpret or translate in Iowa courts must provide the interpreter or translator with an opportunity to file a petition for review with the state court administrator explaining why the temporary suspension order should be lifted.
 - **47.10(4)** Procedures for complaints against sign language court interpreters.
- a. Complaints. A complaint against a sign language court interpreter must be filed with the Iowa Board of Sign Language Interpreters and Transliterators (board) and must follow the procedures outlined in Iowa Administrative Code 645—Chapter 363, Discipline for Sign Language Interpreters and Transliterators.
- b. Notice to the OPR. A sign language interpreter who receives a notice from the board that a complaint has been filed against the interpreter must promptly provide written notice to the director of the OPR that a complaint has been filed against the interpreter, including the date the complaint was filed and a description of the alleged misconduct. The interpreter also must promptly provide written notice to the director of the OPR after the disciplinary process has been concluded, including the date and type of disposition. A sign language interpreter's failure to provide these notices will be considered grounds for disciplinary action and a disciplinary process may be commenced under procedures in rule 47.10(3).
- **47.10(5)** *Grounds for discipline.* The following actions may constitute misconduct for which a court interpreter may be subject to discipline:
 - a. Violation of the Code of Professional Conduct for Court Interpreters and Translators.
- b. Conviction of a felony in this state or any other jurisdiction or conviction of a lesser crime that involves dishonesty or moral turpitude. A crime is a felony if it is so defined in the jurisdiction where the conviction was entered at the time of the conviction.
 - c. Disciplinary action involving the interpreter's services in another jurisdiction.
- d. Discipline by the Board of Sign Language Interpreters and Transliterators pursuant to Iowa Administrative Code section 645—Chapter 363.
- e. Providing incompetent interpretation, which includes, but is not limited to, repeated incomplete or inaccurate interpretation that significantly inhibits or distorts communications between an LEP person and the court or between an LEP person and that person's attorney.
 - f. Dishonest billing for interpreter or translator services.
- g. Engaging in prohibited interpreting while suspended. This action may subject an interpreter to additional discipline.
- **47.10(6)** Aggravating or mitigating circumstances. When determining the appropriate discipline for interpreter misconduct, the advisory committee panel may consider factors that include, but are not limited to, the following:
- a. Aggravating circumstances. Aggravating circumstances that may justify an increase in the degree of discipline imposed include, but are not limited to:
 - (1) Prior disciplinary offenses.

- (2) Dishonest or selfish motive.
- (3) A pattern of misconduct.
- (4) Multiple offenses.
- (5) Bad faith obstruction of the disciplinary proceeding.
- (6) Submission of false evidence, false statements, or other deceptive practices during disciplinary process.
 - (7) Refusal to acknowledge wrongful nature of misconduct.
 - (8) Harm caused by the misconduct.
 - (9) Substantial experience as a court interpreter.
- b. Mitigating circumstances. Mitigating circumstances that may justify a reduction in the degree of discipline imposed include, but are not limited to:
 - (1) Absence of a prior disciplinary record.
 - (2) Absence of a dishonest or selfish motive.
 - (3) Personal or emotional problems contributed to the misconduct.
 - (4) Timely good faith effort to rectify consequences of the misconduct.
- (5) Full and free disclosure to the advisory committee panel or cooperative attitude toward proceedings.
 - (6) Inexperience as a court interpreter.
 - (7) Character or reputation.
 - (8) Physical or mental disability or impairment.
 - (9) Interim rehabilitation.
 - (10) Remorse.
 - (11) Substantial time since the prior offense(s).
- **47.10(7)** Duty to disclose. A court interpreter or translator must disclose to the OPR any potentially disqualifying criminal or ethical misconduct as defined in rule 47.2(1)(c)(3).

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

Rule 47.11 Recording of court proceedings.

- **47.11(1)** Interpreted testimony and communication with a judicial officer. The court will make appropriate electronic recordings of those portions of court proceedings when an interpreter is required for testimony that is given in a language other than English and when an interpreter is required for communication between a judicial officer and a participant who speaks a language other than English.
- a. Oral language interpreters. For court proceedings involving oral language interpretation, the court will use an electronic audio or audio-video recorder to meet this recording requirement.
- b. Sign language interpreters. For court proceedings involving a sign language interpreter, the court will make an audio-video recording of a full and clear view of the sign language interpreter and the LEP deaf, deaf-blind, or hard-of-hearing person.
- **47.11(2)** Retention of recordings. For small claims, civil infractions, simple misdemeanors, and uniform traffic citation cases, the recording must be maintained for one year after entry of judgment or sentence in district court or, if the judgment is appealed, one year after entry of the final judgment on appeal. For all other cases, the recording must be maintained for the same duration as court reporters' notes as set forth in Iowa Code section 602.8103.

[Court Orders December 22, 2003, April 26, 2004, and September 16, 2004, effective November 1, 2004; August 28, 2006, effective October 1, 2006; February 14, 2008, effective April 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015]

Rule 47.12 Court interpreter and translator compensation.

47.12(1) Claims for compensation. After providing services in any legal proceeding or court-ordered program for which an interpreter or translator will be paid by a state or county office, the interpreter or translator must submit a claim for compensation to the court using a fee claim form approved by the state court administrator. Upon review and approval of the claim, the court will enter an order setting the maximum amount of compensation that may be paid to the interpreter or translator.

47.12(2) Policies for compensation of court interpreters and translators. The state court administrator will establish standard statewide fees and policies for compensation of court interpreters and translators who are paid by government entities. Government entities other than the courts that pay court interpreters and translators may adopt compensation policies that do not conflict with state court administrator policies.

[Court Order February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015]

Rule 47.13 Written translations of court-related material.

- **47.13(1)** Definition of court-related materials. As used in rule 47.13, "court-related material" includes written documents that are relevant to the court case and electronically recorded oral or sign communications in which one or more of the participants has limited English proficiency and the communications are relevant to the court case.
 - **47.13(2)** *Definition of a certified translator.*
- a. A certified translator has met the requirements for translator certification established by the American Translators Association (ATA) or the National Association of Judiciary Interpreters and Translators (NAJIT).
- b. A Class A certified court interpreter under rule 47.4(1) is not a certified translator of written documents unless the interpreter has also completed the requirements established by the ATA or NAJIT to be a certified translator.
- **47.13(3)** Priorities in the appointment of a translator of court-related material. When a translator of court-related material is needed, the court will appoint a translator in the following order of preference:
- a. Certified as a translator by the ATA or NAJIT in the required language combination (e.g., Spanish to English translation).
 - b. A Class A certified oral language court interpreter as defined in rule 47.4(1).
- c. If there is no person available who meets the qualifications in rule 47.13(3)(a) or (b) and who could deliver the translated material through regular or electronic mail by the required date, the court may approve a translator who has a degree from a four-year college or university and has sufficient knowledge and experience as a translator of English and the other required language to provide a complete and accurate written translation of the court-related material.
- **47.13(4)** Compensation of a translator. A translator whom the court appoints under rule 47.13(3) will receive the standard fee per word or per hour depending on the material to be translated. The standard translation fees will be established in an administrative directive by the state court administrator pursuant to rule 47.12(2). The court may approve a higher fee only if the court is unable to locate a qualified translator who is able to send and receive court-related materials via electronic mail, can perform the requested translation services by the required date, and will provide the translation service for the standard fee established by the state court administrator. A translator approved under this rule must submit a claim for compensation consistent with rule 47.12(1).
- 47.13(5) Application for written translation of court-related material. When a party or attorney in a case involving an LEP person wants a written translation of court-related material from English into another language, or from another language into English, and the court or other government entity will be responsible for paying the translator, the LEP person or the LEP person's attorney must file with the court a timely application for a written translation of the court-related material. The application must include:
- a. An explanation of the need for a written translation of the court-related material and why an oral or sign language interpretation of the court-related material would not be sufficient to ensure due process under the circumstances.
 - b. The name, contact information, qualifications, and certifications of the proposed translator.
- c. The number of words in the document to be translated, or the number of minutes of recorded communication involving one or more LEP persons, the hourly fee or fee per word to be paid to the translator, and the total translation fee to be paid to the translator.
- 47.13(6) Court approval of written translation and translator. The court may approve the application for the written translation of court-related material only if an oral or sign language interpretation of the material would not be sufficient to ensure due process under the circumstances. If the court approves a written translation of court-related material, the court may approve the translator identified in the application if the translator meets the criteria in rule 47.13(3), or the court

may decline to appoint the translator identified in the application and appoint a substitute translator by applying the criteria in rule 47.13(3).

[Court Order June 5, 2008, effective July 1, 2008; August 10, 2009; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

Rule 47.14 Application of rules to administrative agency proceedings. To the extent an administrative agency is subject to these rules pursuant to Iowa Code section 622A.7 or 622B.1(2), the agency is responsible for appointing interpreters to appear in agency proceedings and for approving interpreters' claims for compensation.

[Court Order December 4, 2014, effective July 1, 2015]

Rule 47.15 Administration.

- **47.15(1)** The OPR assistant director for admissions will serve as the principal executive officer for matters pertaining to the qualifications, classification, examination, continuing education, and discipline of court interpreters. The OPR director may, subject to the approval of the supreme court, employ such other employees as may be necessary to carry out the duties of this chapter of the Iowa Court Rules.
- **47.15(2)** At least 60 days prior to the start of each fiscal year, the director of the OPR will submit to the supreme court for consideration and approval a budget for the upcoming fiscal year covering the operations provided for in this chapter. The supreme court's approval of the budget authorizes payment as provided in the budget. A separate bank account designated as the court interpreter operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement will be deposited in the court interpreter operating account for payment of the expenditures authorized by the approved budget. [Court Order December 4, 2014, effective July 1, 2015]

Rule 47.16 Immunity.

- **47.16(1)** Claims. Claims against the OPR director, assistant directors, and staff, or against members of the advisory committee, are subject to the State Tort Claims Act set forth in Iowa Code chapter 669.
- **47.16(2)** *Immunity.* The OPR director, assistant directors, and staff and members of the advisory committee are immune from all civil liability for damages for the conduct, communications, and omissions occurring in the performance of and within the scope of their official duties under these rules.
- **47.16(3)** *Qualified immunity.* Records, statements of opinion, and other information regarding an interpreter that are communicated by an entity, including any person, firm, or institution, without malice, to the OPR director, assistant directors, and staff, and the members of the advisory committee are privileged; civil suits for damages predicated thereon may not be instituted. [Court Order December 4, 2014, effective July 1, 2015]

CHAPTER 48 CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS AND TRANSLATORS

PREAMBLE

APPLICABILITY

DEFINITIONS

COMMENTS

CANON 1	ACCURACY AND COMPLETENESS
CANON 2	REPRESENTATION OF QUALIFICATIONS
CANON 3	IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST
CANON 4	PROFESSIONAL INTEGRITY AND DEMEANOR
CANON 5	CONFIDENTIALITY
CANON 6	RESTRICTION OF PUBLIC COMMENT
CANON 7	SCOPE OF PRACTICE
CANON 8	ASSESSING AND REPORTING IMPEDIMENTS TO
	PERFORMANCE
CANON 9	DUTY TO REPORT CRIMINAL CONVICTIONS AND
	ETHICAL VIOLATIONS
CANON 10	PROFESSIONAL DEVELOPMENT

CHAPTER 48 CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS AND TRANSLATORS

[Prior to April 1, 2008, see Chapter 15]

PREAMBLE

Effective and accurate language assistance may be necessary to ensure access to justice for all persons. Qualified interpreters and translators are highly skilled professionals who provide accurate language assistance during legal proceedings.

APPLICABILITY

The Code of Professional Conduct for Court Interpreters and Translators (Code of Conduct) governs the delivery of services by oral and sign language interpreters and translators in legal proceedings or in offices of the Iowa Judicial Branch. This Code of Conduct describes the role and defines the duties of interpreters, enhancing the administration of justice and promoting public confidence in the legal system. The canons apply to oral and sign language interpreters and translators and also to real-time court reporters providing language access to deaf or hearing-impaired persons who can read English. The comments guide the conduct of interpreters but should be read broadly to guide the conduct of translators and real-time court reporters when applicable.

DEFINITIONS

Throughout this chapter:

- (1) Court interpreter or interpreter. A "court interpreter" or an "interpreter" means an oral or sign language interpreter who transfers the meaning of spoken or written words or signs into the equivalent meaning in another oral or sign language during a legal proceeding.
- (2) *Court proceeding*. A "court proceeding" is any action before a state court judicial officer that has direct legal implications for any person.
- (3) Legal proceeding. "Legal proceeding" includes any court proceeding, any deposition conducted in preparation for a court proceeding, any case settlement negotiation in an existing court case, and any attorney-client communication necessary for preparation for a court proceeding in an existing court case.
- (4) Limited English proficient (LEP) participant or person. An "LEP participant or person" has a limited ability to speak, read, write, or understand English because the person's primary language is not English or because the person is deaf, deaf-blind, or hard-of-hearing.
- (5) Sight translation. "Sight translation" is the act of transferring verbally, or through the use of sign language, the meaning of written text in one language into the equivalent meaning in another language.
- (6) Source language. "Source language" is the spoken, written, or signed communication that an interpreter or translator is to transfer into the equivalent meaning in another language, which is the "target language."
- (7) *Target language*. "Target language" is the language into which a text, document, or speech is translated.
- (8) *Translator*. A "translator" accurately transfers the meaning of written, oral, or signed words and phrases in one language into the equivalent meaning in written words and phrases of a second language, or accurately produces a written transcript in English of electronically recorded testimony or other court communication in which one or more of the participants has limited English proficiency.

COMMENTS

The Comments describe basic principles of the Code of Conduct. If a court policy or routine practice appears to conflict with any provision of the Code of Conduct, including the Comments, the policy or practice as it applies to interpreters should be reviewed for modification.

CANON 1

ACCURACY AND COMPLETENESS

An interpreter must render a complete and accurate interpretation or sight translation by reproducing in the target language the closest natural equivalent of the source language message, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.

Comment to Canon 1.

Qualifications of an interpreter in a legal proceeding.

To fulfill the obligation to interpret completely and accurately in a legal proceeding, an interpreter should have college-level vocabularies, including legal terms and slang, in English and at least one other language. An interpreter must also have exceptional memory and verbal skills and should have training in legal interpreting.

Role of an interpreter in a legal proceeding.

The primary role of an interpreter in a legal proceeding is twofold: To ensure that communications of an LEP participant are completely and accurately expressed in English and that communications of an English proficient participant are completely and accurately expressed in the oral or sign language the LEP participant understands.

An interpreter should apply the interpreter's best skills and judgment to preserve the meaning of what is communicated as faithfully as possible without adding or omitting words or phrases. The interpreter should express the style or register of speech, the ambiguities and nuances of the speaker, and the level of language that best conveys the original meaning of the source language, even if the LEP participant does not completely understand that level of language. Verbatim, "word for word," or literal oral interpretations are *inappropriate* when they distort the meaning of what was said in the source language. However, all spoken statements, including misstatements, should be interpreted, even if they appear non-responsive, obscene, rambling, or incoherent.

Sometimes, a speaker in a court proceeding might use a term or phrase that has no direct equivalent in the target language. When this occurs, the interpreter should ask the judicial officer's permission to explain the situation, and then offer the most accurate interpretation possible under the circumstances. If this situation arises in a legal proceeding without a judicial officer present, the interpreter should inform the attorney(s), or the supervisor of the activity if no attorney is involved, about the language issue, and then offer the most accurate interpretation possible under the circumstances.

An oral language interpreter should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures. A sign language interpreter, however, must employ all of the visual cues that the language being interpreted requires, including facial expressions, body language, and hand gestures. Judicial officers should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct. Any challenge to the interpreter's conduct should be directed to the judicial officer.

The obligation to preserve accuracy includes the interpreter's duty to correct any errors of interpretation discovered during the proceeding. An interpreter should demonstrate professionalism by objectively analyzing any challenge to the interpreter's performance.

Preparation by an interpreter for a legal proceeding.

The ethical responsibility to interpret accurately and completely includes the responsibility of properly preparing for interpreting assignments. An interpreter is encouraged to obtain public documents and other public information necessary to become familiar with the nature and purpose of a proceeding. Prior preparation is especially important when testimony or documents are likely to include highly specialized terminology and subject matter.

To avoid any impropriety, or even the appearance of impropriety, an interpreter should seek permission of the court before conducting any preparation involving access to confidential information. Courts may grant such permission when it is necessary for the interpreter to discharge the interpreter's professional responsibilities.

Preparation may include, but is not limited to, the following:

- (1) Reviewing public documents in the court file, such as motions and supporting affidavits, witness lists, and jury instructions; the criminal complaint, information, and preliminary hearing transcript in a criminal case; and the summons, petition, and answer in a civil case.
- (2) Reviewing information from public sources such as dictionaries, newspapers, online case records, or internet sites.
- (3) Reviewing documents in the possession of counsel, such as police reports, witness summaries, deposition transcripts, and presentence investigation reports.
- (4) Contacting any other interpreters involved in the case for information on language use or style.
- (5) Contacting attorneys involved in the case for additional information on anticipated testimony or exhibits.
- (6) Anticipating and discussing interpreting issues related to the case with the judicial officer, but only in the presence of counsel for all parties unless the court directs otherwise.

Team interpreting in a legal proceeding.

When engaging in team interpreting, but not actively interpreting, the support interpreter must remain attentive during the proceeding to assist the active interpreter as needed to ensure the accuracy of interpretation. If the support interpreter believes the active interpreter's interpretation should be corrected, the support interpreter should ask the judicial officer's permission to discuss an interpretation issue with the active interpreter. If necessary, the active interpreter should then correct the interpretation for the record.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015; May 18, 2015, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

CANON 2

REPRESENTATION OF QUALIFICATIONS

An interpreter must accurately and completely represent the interpreter's certification, education, interpreter training, classification on the Iowa roster of court interpreters, and interpreting experience.

Comment to Canon 2.

By accepting an interpreting assignment in a legal proceeding, an interpreter asserts linguistic competency in legal settings and familiarity with courtroom and legal proceeding protocols. Withdrawing, or being asked to withdraw, after a court proceeding has begun is disruptive and wasteful of scarce public resources. It is essential an interpreter present a complete and truthful account of the interpreter's education, interpreter training, certification, classification (if any) on the Iowa roster of court interpreters, and interpreting experience prior to appointment, so the judicial officer can fairly evaluate the interpreter's qualifications for delivering interpreting services.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CANON 3

IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

An interpreter must be impartial and unbiased and must refrain from conduct that may give an appearance of bias. An interpreter must disclose any real or perceived conflict of interest.

Comment to Canon 3.

The primary duty of a court interpreter is to be a neutral facilitator of accurate communication between an LEP person and the other English speaking participants in a legal proceeding.

An interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward anyone during a legal proceeding. An interpreter should maintain a professional relationship with LEP participants, discourage dependence on the interpreter, and refrain from casual or personal conversation or interaction.

An interpreter should strive for professional detachment by avoiding verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions.

An interpreter must not solicit or accept any payment, gift, or gratuities in addition to the interpreter's customary fees.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to the judicial officer, or if the legal proceeding is outside of court, to all attorneys involved in the proceeding. An interpreter should only divulge necessary information when disclosing the conflict of interest. The disclosure must not include privileged or confidential information. The following circumstances create potential conflicts of interest that a court interpreter must disclose:

- (1) The interpreter is a friend, associate, or relative of a party, counsel for a party, a witness, or a victim (in a criminal case) involved in the proceedings.
- (2) The interpreter or the interpreter's friend, associate, or relative has a financial interest in the subject matter in controversy, a shared financial interest with a party to the proceeding, or any other interest that might be affected by the outcome of the case.
- (3) The interpreter has served in an investigative capacity for any party involved in the case.
- (4) The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue.
- (5) The interpreter is an attorney or witness in the case.
- (6) The interpreter has previously been retained for employment by one of the parties.
- (7) For any other reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The judicial officer should carefully evaluate any potential conflict, but the existence of only one of the above circumstances will not automatically disqualify an interpreter if the interpreter is able to render services objectively. The interpreter should disclose to the judicial officer any indication that the recipient of interpreting services views the interpreter as being biased. If an actual or apparent conflict of interest exists, the judicial officer should decide whether removal is appropriate based upon the totality of the circumstances.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

CANON 4

PROFESSIONAL INTEGRITY AND DEMEANOR

An interpreter must act honestly and professionally, in a manner consistent with the dignity of the court.

Comment to Canon 4.

An interpreter must be honest and trustworthy in all interactions with the court and all other participants and agencies involved in legal proceedings. For example, an interpreter must appear when scheduled to provide services, promptly report to an appropriate authority when a scheduling conflict arises, and accurately report time and expenses for interpreting services.

An interpreter should avoid personal or professional conduct that could dishonor the interpreter, the court, or the legal system. For example, an interpreter must never take advantage of knowledge obtained in the performance of duties or through access to court records, facilities, or privileges for the interpreter's or another person's personal gain.

An interpreter also should know and observe the established protocol, rules, and procedures for delivering interpreting services, and should dress in a manner that reflects the conventions of appropriate attire for professionals who appear in legal proceedings. When interpreting for an LEP witness and speaking in English, an interpreter should speak at a rate and volume that is audible and understandable throughout the courtroom. An interpreter should be as unobtrusive as possible and should not seek to attract inappropriate attention while performing the interpreter's professional duties. This includes any time the interpreter is present but not actively interpreting.

An interpreter should avoid obstructing the view of anyone involved in the proceedings, but should be appropriately positioned to facilitate communication. An interpreter who uses sign language or other visual modes of communication must be positioned so that signs, facial expressions, and whole body movements are visible to the person for whom the interpreter is interpreting. When necessary, the interpreter should be repositioned to accommodate visual access to exhibits.

An interpreter should avoid personal or professional conduct that could dishonor the court.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CANON 5

CONFIDENTIALITY

An interpreter must protect the confidentiality of all privileged and other confidential information. An interpreter may disclose information that would otherwise be privileged or confidential to the extent such disclosure is necessary to prevent imminent death or bodily harm.

Comment to Canon 5.

An interpreter must uphold the confidentiality of any communications between attorney and client and must refrain from repeating or disclosing information obtained in the course of the interpreter's employment.

An interpreter must accompany an LEP juror into the jury room and interpret for jury deliberations. When this occurs, the interpreter must be neutral, must not participate in jury deliberations, and must not disclose or comment upon jury deliberations.

An interpreter providing services to an LEP party may disclose information obtained while providing interpreter services if the interpreter is reasonably certain that such disclosure is necessary to prevent imminent death or bodily harm. If the LEP party is represented by an attorney, the disclosure must be made to the party's attorney. If the LEP party is not represented by an attorney, the disclosure must be made to the presiding judicial officer or other appropriate authority if the judicial officer is not available.

An interpreter providing services to an LEP person who is not a party may disclose information obtained while providing interpreter services if the interpreter is reasonably certain that such disclosure is necessary to prevent imminent death or bodily harm. The disclosure must be made to the presiding judicial officer or another appropriate authority if the judicial officer is not available.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CANON 6

RESTRICTION OF PUBLIC COMMENT

An interpreter must not publicly discuss, report, or offer an opinion concerning a matter in which the interpreter is or has been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.

Comment to Canon 6.

Generally, an interpreter should not discuss interpreter assignments with anyone other than persons who have a formal duty associated with the case. For purposes of interpreter education and training, however, an interpreter may share information only about cases in which a final judgment has been entered and may divulge only as much information as is required to accomplish this purpose. Unless so ordered by a court or permitted under Canon 5, an interpreter must never reveal privileged or confidential information for any purpose, including training and education.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CANON 7

SCOPE OF PRACTICE

An interpreter for an LEP participant in any legal proceeding, or for an LEP party in a court-ordered program, must provide only interpreting or translating services. The interpreter must not give legal advice, express personal opinions to individuals for whom interpreting services are being provided, or engage in other activities that may be construed to constitute a service other than interpreting or translating.

Comment to Canon 7.

Since an interpreter is responsible only for enabling others to communicate, the interpreter should limit the interpreter's conduct to interpreting or translating. An interpreter, however, may initiate communications during a proceeding if direction from the court is necessary to perform the interpreter's duties. Examples of such circumstances include: seeking direction from the court when unable to understand or express a word or thought; requesting speakers to adjust their rate of speech or to repeat or rephrase something; correcting the interpreter's errors; or notifying the court of concerns about the interpreter's ability to fulfill an assignment competently. In such instances, the interpreter must make it clear the interpreter is speaking on his or her own behalf.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose or contents of forms or services, or otherwise act as a counselor or an advisor, unless the interpreter is interpreting for someone who is acting in that official capacity. An interpreter may interpret or translate language on a form or instructions for the form for an LEP person who is filling out the form. However, the interpreter must not explain the form or answer questions about it, although an interpreter may interpret for a court official who is authorized to answer questions about a court form. In general, an interpreter should not perform functions that are the responsibility of attorneys or court officials.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CANON 8

ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

An interpreter must assess at all times the interpreter's ability to competently and ethically deliver interpreting services. When an interpreter has any concern about the interpreter's ability to competently and ethically provide services or about interference with or impediments to providing competent and ethical services, the interpreter must immediately report that concern to an appropriate authority.

Comment to Canon 8.

Impediments to competent performance

If the communication mode or language variety of the LEP person cannot be readily interpreted, the interpreter should notify the appropriate authority, such as a judicial officer, an attorney, or another person with authority over the proceeding.

An interpreter should notify the appropriate authority of any circumstances (e.g., environmental conditions or physical limitations) that impede the ability to deliver interpreting services adequately. For example, these circumstances may include that the courtroom is not sufficiently quiet for the interpreter to hear or be heard by the LEP person, more than one person is speaking at the same time, or a person is speaking too quickly for the interpreter to accurately interpret. A sign language interpreter must ensure that the interpreter can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movements, as well as hand gestures. A sign language interpreter must also ensure that the LEP person can see the interpreter clearly.

An interpreter should notify the judicial officer or other appropriate authority of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. An interpreter should inform the judicial officer when the use of team interpreting is necessary.

Even a competent and experienced interpreter may encounter situations where routine proceedings unexpectedly involve slang, idiomatic expressions, regional dialect, or technical or specialized terminology unfamiliar to the interpreter. When such situations occur, the interpreter should request a brief recess in order to become familiar with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, the interpreter should inform the judicial officer, or if the legal proceeding is outside of court, the interpreter should inform all attorneys involved in the proceeding.

An interpreter should refrain from accepting a case that has language or subject matter that is likely to exceed the interpreter's capabilities. An interpreter should also notify the judicial officer or other appropriate authority if the interpreter is unable to perform adequately for any reason.

Impediments to ethical performance

Some users of interpreting services might ask or expect the interpreter to engage in activities that are contrary to provisions in the Code of Conduct or other law, rules, or policies governing court interpreters. In this situation, an interpreter should explain the interpreter's professional obligations. If the person continues to ask or demands that the interpreter engage in such activities, the interpreter should promptly request assistance from a judicial officer or other appropriate authority to resolve the matter.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

CANON 9

DUTY TO REPORT CRIMINAL CONVICTIONS AND ETHICAL VIOLATIONS

An interpreter must immediately report the interpreter's conviction of a felony or any lesser crime of dishonesty or moral turpitude to the Office of Professional Regulation of the Iowa Supreme Court (OPR). The interpreter must also immediately report to the OPR any public discipline entered against the interpreter in any jurisdiction. The failure to submit such a report may be an independent ground for discipline. An interpreter who observes another interpreter commit a serious violation of the Code of Conduct should submit a written complaint to the OPR.

Comment to Canon 9.

Interpreters must disclose to the OPR the types of criminal convictions and disciplinary actions that potentially constitute "disqualifying misconduct" pursuant to Iowa Court Rule 47.2(1)(c)(3). An interpreter who observes another interpreter commit a serious violation of the Code of Conduct should file a written complaint with the OPR using the form provided by that office. Discretion should be

exercised by the interpreter who observed the alleged unethical conduct when determining whether the alleged violation was sufficiently substantial to warrant discipline. Minor or infrequent interpreting errors might be technical violations of Canon 1, but they probably would not warrant discipline. Some examples of serious ethical violations by court interpreters include: frequent failures to interpret accurately or completely in court; falsification of a claim for interpreter services; publicly discussing confidential attorney-client communications; or clearly providing legal advice to an LEP person in court.

If an interpreter doubts whether another interpreter's conduct rises to the level of a serious ethical violation, the interpreter should consider sharing her or his concerns with the other interpreter. Collaboration among interpreters working together to improve their skills is encouraged.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015; December 13, 2017, effective January 1, 2018]

CANON 10

PROFESSIONAL DEVELOPMENT

An interpreter must strive to become more skillful and knowledgeable and advance the profession through activities such as professional training, education, and interaction with colleagues and specialists in related fields.

Comment to Canon 10.

An interpreter should improve the interpreter's interpreting skills and knowledge of the languages in which the interpreter works professionally, including past and current trends in slang, idiomatic expression, changes in dialect, technical terminology, and social and regional dialects.

An interpreter should keep informed of all statutes, rules of court, and policies of the judiciary that govern the performance of an interpreter's professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field. An interpreter should support other interpreters by sharing knowledge and expertise.

[Court Orders December 22, 2003, and April 26, 2004, effective November 1, 2004; February 14, 2008, effective April 1, 2008; December 4, 2014, effective July 1, 2015]

CHAPTER 49 OFFICE OF PROFESSIONAL REGULATION

Rule 49.1	Office of Professional Regulation of the Supreme Court of Iowa
Rule 49.2	Board and commission budgets
Rule 49.3	Authority to allocate funds
Rule 49.4	Fees for certificates; score transfers; copies
Rule 49.5	File retention and destruction

CHAPTER 49 OFFICE OF PROFESSIONAL REGULATION

- Rule 49.1 Office of Professional Regulation of the Supreme Court of Iowa. There is hereby created the Office of Professional Regulation of the Supreme Court of Iowa. The office of professional regulation consists of the following persons:
- **49.1(1)** A director, appointed by the supreme court. The director is responsible to the supreme court for the administration and program functions of the continuing legal education commission, the client security commission, the lawyer trust account commission, the grievance commission, the attorney disciplinary board, the unauthorized practice of law commission, the board of examiners of shorthand reporters, and the board of law examiners. The director also is responsible for administration of the court interpreter examination program.
- **49.1(2)** An assistant director for attorney discipline, appointed by the director with the approval of the supreme court. The assistant director for attorney discipline is responsible to the director of the office of professional regulation for the administration of the attorney disciplinary board.
- **49.1(3)** Such other assistant directors, appointed by the director of the office of professional regulation with the approval of the supreme court, to be responsible to the director of the office of professional regulation for administration of boards and commissions as the director may designate.
- **49.1(4)** Such other staff members as the supreme court may from time to time direct, appointed by the director with the approval of the court.

[Court Order December 5, 2007; November 20, 2015, effective January 1, 2016; July 24, 2019, effective August 1, 2019]

Rule 49.2 Board and commission budgets. Annual budgets for the continuing legal education commission, the client security commission, the lawyer trust account commission, the grievance commission, the board of examiners of shorthand reporters, the board of law examiners, the unauthorized practice of law commission, and the court interpreter examination and licensing program, must be prepared for each fiscal year running from July 1 through June 30. At least 60 days prior to the start of each fiscal year or on date otherwise specified by the supreme court, the director must submit to the supreme court annual operating budgets for each of these boards and commissions, which may be amended as necessary.

[Court Order December 5, 2007; December 13, 2017, effective January 1, 2018]

Rule 49.3 Authority to allocate funds. The fees collected under the provisions of chapters 39, 41, and 42 of the Iowa Court Rules may be allocated and used for such purposes within the office of professional regulation as the supreme court may direct.

[Court Order December 5, 2007; December 10, 2012; December 13, 2017, effective January 1, 2018]

Rule 49.4 Fees for certificates; score transfers; copies.

- **49.4(1)** The boards and commissions of the office of professional regulation must collect fees as the supreme court prescribes for providing:
- a. Certificates of disciplinary history, certificates of continuing education history, certificates of client security history, certificates of license status, or similar certificates.
 - b. Certifications or transfers of examination scores.
 - c. Copies of official records in electronic form.
 - d. Copies of official records in paper form.
 - e. Reissued certificates of admission.
- **49.4(2)** Fees collected under rule 49.4(1) are allocated to the board or commission preparing the certificate or providing the copies for such purposes as the supreme court may direct.

[Court Order November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 49.5 File retention and destruction. Unless otherwise required by court rule or order, files and records maintained by the boards and commissions of the office of professional regulation must be retained for at least three years after the last board or commission action on the matter. For purposes of this rule, destruction of paper records after the records have been transferred to computer storage is permitted immediately after the transfer.

[Court Order July 24, 2019, effective August 1, 2019]

July 2009 Ch 50, p.1

CHAPTER 50

Reserved

CHAPTER 51 IOWA CODE OF JUDICIAL CONDUCT

PREAMBLE

SCOPE

TERMINOLOGY

APPLICATION

CANON 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND
IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND
THE APPEARANCE OF IMPROPRIETY

	THE APPEARANCE OF IMPROPRIETY
Rule 51:1.1	COMPLIANCE WITH THE LAW
Rule 51:1.2	PROMOTING CONFIDENCE IN THE JUDICIARY
Rule 51:1.3	AVOIDING ABUSE OF THE PRESTIGE OF JUDICIAL OFFICE
	CANON 2
	A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE
D 1 51 0 1	IMPARTIALLY, COMPETENTLY, AND DILIGENTLY
Rule 51:2.1	GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE
Rule 51:2.2	IMPARTIALITY AND FAIRNESS
Rule 51:2.3	BIAS, PREJUDICE, AND HARASSMENT
Rule 51:2.4	EXTERNAL INFLUENCES ON JUDICIAL CONDUCT
Rule 51:2.5	COMPETENCE, DILIGENCE, AND COOPERATION
Rule 51:2.6	ENSURING THE RIGHT TO BE HEARD
Rule 51:2.7	RESPONSIBILITY TO DECIDE
Rule 51:2.8	DECORUM, DEMEANOR, AND COMMUNICATION WITH JURORS
Rule 51:2.9	EX PARTE COMMUNICATIONS
Rule 51:2.10	JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES
Rule 51:2.11	DISQUALIFICATION
Rule 51:2.12	SUPERVISORY DUTIES
Rule 51:2.13	ADMINISTRATIVE APPOINTMENTS
Rule 51:2.14	DISABILITY AND IMPAIRMENT
Rule 51:2.15	RESPONDING TO JUDICIAL AND LAWYER MISCONDUCT
Rule 51:2.16	COOPERATION WITH DISCIPLINARY AUTHORITIES
	CANON 3
	A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND
	EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE
Rule 51:3.1	EXTRAJUDICIAL ACTIVITIES IN GENERAL
Rule 51:3.2	APPEARANCES BEFORE GOVERNMENTAL BODIES AND CONSULTATION
Kule 31.3.2	WITH GOVERNMENT OFFICIALS
Rule 51:3.3	TESTIFYING AS A CHARACTER WITNESS
Rule 51:3.4	APPOINTMENTS TO GOVERNMENTAL POSITIONS
Rule 51:3.5	USE OF NONPUBLIC INFORMATION
Rule 51:3.5 Rule 51:3.6	AFFILIATION WITH DISCRIMINATORY ORGANIZATIONS
Rule 51:3.6 Rule 51:3.7	
Rule 31:3./	
Rule 51:3.8	FRATERNAL, OR CIVIC ORGANIZATIONS AND ACTIVITIES APPOINTMENTS TO FIDUCIARY POSITIONS
Rule 51:3.9	SERVICE AS ARBITRATOR OR MEDIATOR
Rule 51:3.10	PRACTICE OF LAW
Rule 51:3.11	FINANCIAL, BUSINESS, OR REMUNERATIVE ACTIVITIES
Rule 51:3.12	COMPENSATION FOR EXTRAJUDICIAL ACTIVITIES ACCEPTANCE OF CIETS LOANS PROJECTS DEVICETS OF CITIER
Rule 51:3.13	ACCEPTANCE OF GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER
	THINGS OF VALUE

Rule 51:3.14 REIMBURSEMENT OF EXPENSES AND WAIVERS OF FEES OR CHARGES

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

- Rule 51:4.1 POLITICAL AND CAMPAIGN ACTIVITIES OF JUDGES AND JUDICIAL CANDIDATES IN GENERAL
- Rule 51:4.2 POLITICAL AND CAMPAIGN ACTIVITIES OF JUDICIAL CANDIDATES IN RETENTION ELECTIONS
- Rule 51:4.3 ACTIVITIES OF CANDIDATES FOR APPOINTIVE JUDICIAL OFFICE
- Rule 51:4.4 CAMPAIGN COMMITTEES
- Rule 51:4.5 ACTIVITIES OF JUDGES WHO BECOME CANDIDATES FOR NONJUDICIAL OFFICE

CHAPTER 51 IOWA CODE OF JUDICIAL CONDUCT

PREAMBLE

- [1] An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in the Iowa Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.
- [2] Judges should maintain the dignity of judicial office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.
- [3] The Iowa Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

SCOPE

- [1] The Iowa Code of Judicial Conduct consists of four Canons, numbered rules under each Canon, and comments that generally follow and explain each rule. Scope and terminology sections provide additional guidance in interpreting and applying the Code. An application section establishes when the various rules apply to a judge or judicial candidate.
- [2] The Canons state overarching principles of judicial ethics that all judges must observe. Although a judge may be disciplined only for violating a rule, the Canons provide important guidance in interpreting the rules. Where a rule contains a permissive term, such as "may" or "should," the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.
- [3] The comments that accompany the rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the rules. Therefore, when a comment contains the term "must," it does not mean that the comment itself is binding or enforceable; it signifies that the rule in question, properly understood, is obligatory as to the conduct at issue.
- [4] Second, the comments identify aspirational goals for judges. To implement fully the principles of the Iowa Code of Judicial Conduct as articulated in the Canons, judges should strive to exceed the standards of conduct established by the rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.
- [5] The rules of the Iowa Code of Judicial Conduct are rules of reason that should be applied consistent with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The rules should not be interpreted to impinge upon the essential independence of judges in making judicial decisions.
- [6] Although the black letter of the rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the rules, and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at

the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

[7] The Iowa Code of Judicial Conduct is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

TERMINOLOGY

The first time any term listed below is used in a rule in its defined sense, it is followed by an asterisk (*).

- "Affiliate" and "affiliated" mean any person, domestic or foreign, that controls, is controlled by, or is under common control with any other person. See rule 51:2.11.
- "Appropriate authority" means the authority having responsibility for the initiation of disciplinary process in connection with the violation to be reported. See rules 51:2.14 and 51:2.15.
- "Associate" and "associated" means any person who employs, is employed by, or is under common employment with another person; any person who acts in cooperation, consultation, or concert with, or at the request of, another person; and any spouse, domestic partner, or person within the third degree of relationship of any of the foregoing. *See* rule 51:2.11.
- "Contribution" means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance which, if obtained by the recipient otherwise, would require a financial expenditure. See rules 51:3.7, 51:4.1, and 51:4.4.
- "Control" and "controlled" each refers to the power of one person to exercise, directly or indirectly or through one or more persons, a dominating, governing, or controlling influence over another person, whether by contractual relationship (including without limitation a debtor-creditor relationship), by family relationship, by ownership, dominion over, or power to vote any category or voting interest (including without limitation shares of common stock, shares of voting preferred stock, and partnership interests), or by exercising (or wielding the power to exercise) in any manner dominion over a majority of directors, partners, trustees, or other persons performing similar functions. See definition of "affiliate" and "affiliated."
- "De minimis," in the context of interests pertaining to disqualification of a judge, means an insignificant interest that could not raise a reasonable question regarding the judge's impartiality. See rule 51:2.11.
- "Domestic partner" means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married. *See* rules 51:2.11, 51:2.13, 51:3.13, and 51:3.14.
- **"Economic interest"** means ownership of more than a de minimis legal or equitable interest. Except for situations in which the judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:
 - (1) an interest in the individual holdings within a mutual or common investment fund;
- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;
- (3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
 - (4) an interest in the issuer of government securities held by the judge.

See rules 51:1.3 and 51:2.11.

"Fiduciary" includes relationships such as executor, administrator, trustee, or guardian. *See* rules 51:2.11, 51:3.2, and 51:3.8.

- "Impartial," "impartiality," and "impartially" mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. *See* Canons 1, 2, and 4, and rules 51:1.2, 51:2.2, 51:2.10, 51:2.11, 51:2.13, 51:3.1, 51:3.12, 51:3.13, 51:4.1, and 51:4.2.
- "Impending matter" is a matter that is imminent or expected to occur in the near future. *See* rules 51:2.9, 51:2.10, 51:3.13, and 51:4.1.
- "Impropriety" includes conduct that violates the law, court rules, or provisions of the Iowa Code of Judicial Conduct, and conduct that undermines a judge's independence, integrity, or impartiality. See Canon 1 and rule 51:1.2.
- "Independence" means a judge's freedom from influence or controls other than those established by law. *See* Canons 1 and 4, and rules 51:1.2, 51:3.1, 51:3.12, 51:3.13, and 51:4.2.
- "Integrity" means probity, fairness, honesty, uprightness, and soundness of character. See Canon 1 and rule 51:1.2.
- "Judicial candidate" means any person, including a sitting judge, who is seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she declares or files as a candidate with the election or appointment authority, authorizes, where permitted, solicitation or acceptance of contributions or support, or is seeking appointment to office. See rules 51:2.11, 51:4.1, 51:4.2, and 51:4.4.
- "Knowingly," "knowledge," "known," and "knows" mean actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances. *See* rules 51:2.11, 51:2.15, 51:2.16, 51:3.6, and 51:4.1.
- **"Law"** encompasses court rules as well as statutes, constitutional provisions, and decisional law. *See* rules 51:1.1, 51:2.1, 51:2.2, 51:2.6, 51:2.7, 51:2.9, 51:3.1, 51:3.4, 51:3.9, 51:3.12, 51:3.13, 51:3.14, 51:3.15, 51:4.1, 51:4.2, 51:4.4, and 51:4.5.
- "Member of the candidate's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the candidate maintains a close familial relationship.
- "Member of the judge's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. *See* rules 51:3.7, 51:3.8, 51:3.10, and 51:3.11.
- "Member of a judge's family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household. See rules 51:2.11 and 51:3.13.
- "Nonpublic information" means information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order or impounded or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. *See* rule 51:3.5.
- **"Pending matter"** is a matter that has commenced. A matter continues to be pending through any appellate process until final disposition. *See* rules 51:2.9, 51:2.10, 51:3.13, and 51:4.1.
- "Person" means any natural or juridical person, including without limitation any corporation, limited liability company, partnership, trust, union, or other labor organization; any branch, division, department, or local unit of any of the foregoing; any political committee, party, or organization; or any other organization or group of persons. *See* rule 51:2.11.
- "Personally solicit" means a direct request made by a judge or a judicial candidate for financial support or in-kind services, whether made by letter, telephone, or any other means of communication. See rule 51:4.1.
- "Political organization" means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office. For purposes of the Iowa Code of Judicial Conduct, the term does

not include a judicial candidate's campaign committee created as authorized by rule 51:4.4. *See* rules 51:4.1 and 51:4.2.

"Restricted donor" means

- (1) a party or other person involved in a case pending before the donee.
- (2) a party or a person seeking to be a party to any sale, purchase, lease or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.
- (3) a person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

See rule 51:3.13.

"Third degree of relationship" includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. *See* rule 51:2.11.

APPLICATION

The application section establishes when the various rules apply to a judge or judicial candidate.

- I. Applicability of the Iowa Code of Judicial Conduct
- (A) The provisions of the Iowa Code of Judicial Conduct apply to all full-time and senior judges. Parts II through IV of this section identify those provisions that apply to three distinct categories of part-time judges. Canon 4 applies to judicial candidates.
- (B) A judge, within the meaning of the Iowa Code of Judicial Conduct, is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, special master, child support referee, probate referee, or judicial hospitalization referee. Administrative law judges are not judges within the meaning of the Code.

Comment

- [1] The rules in the Iowa Code of Judicial Conduct have been formulated to address the ethical obligations of any person who serves a judicial function and are premised upon the supposition that a uniform system of ethical principles should apply to all those authorized to perform judicial functions.
- [2] The determination of which category and, accordingly, which specific rules apply to an individual judicial officer depends upon the facts of the particular judicial service.
- [3] In Iowa, many districts have formed drug courts. Judges presiding in drug courts may be authorized and even encouraged to communicate directly with social workers, probation officers, and others outside the context of their usual judicial role as independent decision makers on issues of fact and law. When the law* specifically authorizes conduct not otherwise permitted under these rules, that law takes precedence over the provisions set forth in the Iowa Code of Judicial Conduct. Nevertheless, judges serving on drug courts and other "problem solving" courts shall comply with this Code except to the extent the law provides and permits otherwise.
 - II. Retired Justice or Judge Subject to Recall for Service under Iowa Code Section 602.1612

A retired justice or judge subject to recall for service, who by law is not permitted to practice law, is not required to comply:

- (A) with rule 51:3.9 (Service as Arbitrator or Mediator), except while serving as a judge; or
- (B) at any time with rule 51:3.8 (Appointments to Fiduciary Positions).

[1] For the purposes of this section, as long as a retired judge is subject to being recalled for service, the judge is considered to "perform judicial functions." This provision does not supersede the restrictions applicable to retired judges participating in the senior judge program.

III. Magistrate and Other Continuing Part-Time Judge

A judge who serves repeatedly on a part-time basis or under a continuing appointment ("continuing part-time judge"),

- (A) is not required to comply:
- (1) with rules 51:2.10(A) and 51:2.10(B) (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or
- (2) at any time with rules 51:3.4 (Appointments to Governmental Positions), 51:3.8 (Appointments to Fiduciary Positions), 51:3.9 (Service as Arbitrator or Mediator), 51:3.10 (Practice of Law), 51:3.11 (Financial, Business, or Remunerative Activities), and 51:3.14 (Reimbursement of Expenses and Waivers of Fees or Charges);
- (B) except as provided in paragraph (C), shall not practice law in the court on which the judge serves and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto; and
- (C) when not otherwise prohibited by the Iowa Rules of Professional Conduct, may appear as counsel for a client in a matter that is within the jurisdiction of a magistrate so long as the matter is heard by a district judge or a district associate judge. Partners or associates of a magistrate may appear before a magistrate other than their partner or associate.

Comment

[1] When a person who has been a continuing part-time judge is no longer a continuing part-time judge, that person may act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto only with the informed consent of all parties, and pursuant to Iowa Rule of Professional Conduct 32:1.12.

IV. Special Master, Referee, and Other Pro Tempore Part-Time Judge

A special master, referee, and other pro tempore part-time judge who serves or expects to serve once or only sporadically on a part-time basis under a separate appointment for each period of service or for each case heard is not required to comply:

- (A) except while serving as a judge, with rules 51:1.2 (Promoting Confidence in the Judiciary), 51:2.4 (External Influences on Judicial Conduct), 51:2.10 (Judicial Statements on Pending and Impending Cases), or 51:3.2 (Appearances before Governmental Bodies and Consultation with Government Officials); or
- (B) at any time with rules 51:3.4 (Appointments to Governmental Positions), 51:3.6 (Affiliation with Discriminatory Organizations), 51:3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities), 51:3.8 (Appointments to Fiduciary Positions), 51:3.9 (Service as Arbitrator or Mediator), 51:3.10 (Practice of Law), 51:3.11 (Financial, Business, or Remunerative Activities), 51:3.13 (Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value), 51:3.15 (Reporting Requirements), 51:4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), and 51:4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office).

V. Time for Compliance

A person to whom the Iowa Code of Judicial Conduct becomes applicable shall comply immediately with its provisions, except that those judges to whom rules 51:3.8 (Appointments to Fiduciary Positions) and 51:3.11 (Financial, Business, or Remunerative Activities) apply shall comply with those rules as soon as reasonably possible, but in no event later than six months after the Code becomes applicable to the judge.

[1] If serving as a fiduciary when selected as judge, a new judge may, notwithstanding the prohibitions in rule 51:3.8, continue to serve as fiduciary, but only for that period of time necessary to avoid serious adverse consequences to the beneficiaries of the fiduciary relationship and in no event longer than six months. Similarly, if engaged at the time of judicial selection in a business activity, a new judge may, notwithstanding the prohibitions in rule 51:3.11, continue in that activity for a reasonable period but in no event longer than six months.

CANON 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY

Rule 51:1.1 COMPLIANCE WITH THE LAW

A judge shall comply with the law,* including the Iowa Code of Judicial Conduct. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:1.2 PROMOTING CONFIDENCE IN THE JUDICIARY

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary and shall avoid impropriety* and the appearance of impropriety.

Comment

- [1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.
- [2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Iowa Code of Judicial Conduct.
- [3] Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms.
- [4] Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.
- [5] Actual improprieties include violations of law, court rules or provisions of the Iowa Code of Judicial Conduct. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.
- [6] A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with the Iowa Code of Judicial Conduct. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:1.3 AVOIDING ABUSE OF THE PRESTIGE OF JUDICIAL OFFICE

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests* of the judge or others, or allow others to do so.

Comment

[1] It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or

her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.

- [2] A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead for such reference or recommendation. Except as provided in comment 3 or as a member of a nominating commission under Iowa Code chapter 46, a judge should not provide a reference or recommendation for a person seeking appointment to judicial office. This rule does not prohibit an applicant from listing a judge as a reference when seeking appointment to judicial office.
- [3] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees and by responding to specific inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.
- [4] Special considerations arise when judges write or contribute to publications of for-profit entities, whether related or unrelated to the law. A judge should not permit anyone associated with the publication of such materials to exploit the judge's office in a manner that violates this rule or other applicable law. In contracts for publication of a judge's writing, the judge should retain sufficient control over the advertising to avoid such exploitation.

 [Court Order April 30, 2010, effective May 3, 2010]

CANON 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY

Rule 51:2.1 GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

Comment

- [1] To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. *See* Canon 3.
- [2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.2 IMPARTIALITY AND FAIRNESS

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

Comment

- [1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.
- [2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.
- [3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this rule.
- [4] It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. By way of illustration, a judge may: (1) provide brief information about the proceeding; (2) provide information about evidentiary and foundational requirements; (3) modify the traditional order of taking evidence; (4) refrain from using legal jargon; (5) explain the basis for a ruling; and (6) make referrals to any resources available to assist the litigant in the preparation of the case.

 [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.3 BIAS, PREJUDICE, AND HARASSMENT

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.
- (D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Comment

- [1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
- [2] Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; insensitive statements about crimes against women; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.
- [3] Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.
- [4] Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.

 [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.4 EXTERNAL INFLUENCES ON JUDICIAL CONDUCT

- (A) A judge shall not be swayed by public clamor or fear of criticism.
- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- (C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Comment

[1] An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.5 COMPETENCE, DILIGENCE, AND COOPERATION

- (A) A judge shall perform judicial and administrative duties competently and diligently.
- (B) A judge shall cooperate with other judges and court officials in the administration of court business.

- [1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office
- [2] A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.
- [3] Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.
- [4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.6 ENSURING THE RIGHT TO BE HEARD

- (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to he heard according to law.*
- (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

Comment

- [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.
- [2] The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding upon an appropriate settlement practice for a case are (1) whether the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (2) whether the parties and their counsel are relatively sophisticated in legal matters, (3) whether the case will be tried by the judge or a jury, (4) whether the parties participate with their counsel in settlement discussions, (5) whether any parties are unrepresented by counsel, and (6) whether the matter is civil or criminal.
- [3] Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether disqualification may be appropriate. *See* rule 51:2.11(A)(1). [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.7 RESPONSIBILITY TO DECIDE

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by rule 2.11 or other law.*

Comment

[1] Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available

to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.8 DECORUM, DEMEANOR, AND COMMUNICATION WITH JURORS

- (A) A judge shall require order and decorum in proceedings before the court.
- (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- (C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.

Comment

- [1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in rule 51:2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.
- [2] Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.
- [3] A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial but should be careful not to discuss the merits of the case. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.9 EX PARTE COMMUNICATIONS

- (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending matter* or impending matter,* except as follows:
- (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:
- (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and
- (b) the judge makes provision promptly to notify all other parties of the substance of the exparte communication, and gives the parties an opportunity to respond.
- (2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.
- (3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.
- (4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.
- (5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so.
- (B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- (C) A judge shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may properly be judicially noticed.
 - (D) A judge shall make reasonable efforts, including providing appropriate supervision,

to ensure that this rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

Comment

- [1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge. See, e.g., Iowa R. Civ. P. 1.1507.
- [2] Whenever the presence of a party or notice to a party is required by this rule, it is the party's lawyer or, if the party is unrepresented, the party who is to be present or to whom notice is to be given.
- [3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this rule.
- [4] A judge may initiate, permit, or consider ex parte communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.
- [5] A judge may consult with other judges on pending matters, but must avoid ex parte discussions of a case with judges who have previously been disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter.
- [6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.
- [7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with the Iowa Code of Judicial Conduct. Such consultations are not subject to the restrictions of paragraph (A)(2).
- [8] Parties frequently present ex parte requests to a judge for routine scheduling matters. Iowa Rule of Civil Procedure 1.453 requires the clerk to provide notice of all orders entered by the court. A notice of orders entered in routine scheduling matters provided by the clerk satisfies the judge's obligation under paragraph (A)(1)(b).

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.10 JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES

- (A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a pending matter* or impending matter* in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.
- (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.
- (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would he prohibited from making by paragraphs (A) and (B).
- (D) Notwithstanding the restrictions in paragraph (A), a judge may explain court procedures and may comment on any proceeding in which the judge is a litigant in a personal capacity.
- (E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

Comment

- [1] This rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.
- [2] This rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of mandamus, the judge must not comment publicly.
- [3] Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.11 DISQUALIFICATION

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned, including but not limited to the following circumstances:
- (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of facts that are in dispute in the proceeding.
- (2) The judge knows* that the judge, the judge's spouse or domestic partner,* or a person within the third degree of relationship* to either of them, or the spouse or domestic partner of such a person is:
- (a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
 - (b) acting as a lawyer in the proceeding;
- (c) a person who has more than a de minimis* interest that could be substantially affected by the proceeding; or
 - (d) likely to be a material witness in the proceeding.
- (3) The judge knows that he or she, individually or as a fiduciary,* or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household,* has an economic interest* in the subject matter in controversy or in a party to the proceeding.
- (4) The judge knows or learns by means of disclosures mandated by law* or a timely motion that the judge's participation in a matter or proceeding would violate due process of law as a result of:
- (a) campaign contributions made by donors associated* or affiliated* with a party or counsel appearing before the court, or
- (b) independent campaign expenditures by a person* other than a judge's campaign committee, whose donors to the independent campaign are associated or affiliated with a party or counsel appearing before the court.
- (5) The judge, while a judge or a judicial candidate,* has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.
 - (6) The judge:
- (a) served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;
- (b) served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;
 - (c) was a material witness concerning the matter; or
 - (d) previously presided as a judge over the matter in another court.
- (B) A judge shall keep informed about the judge's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.
- (C) A judge subject to disqualification under this rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

Comment

- [1] Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply. The term "recusal" is used interchangeably with the term "disqualification."
- [2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

- [3] The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.
- [4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under paragraph (A), or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge's disqualification is required.
- [5] A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.
- [6] "Economic interest," as set forth in the terminology section, means ownership of more than a de minimis legal or equitable interest. Except for situations in which a judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:
 - (1) an interest in the individual holdings within a mutual or common investment fund;
- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, officer, advisor, or other participant;
- (3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
- (4) an interest in the issuer of government securities held by the judge. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.12 SUPERVISORY DUTIES

- (A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Iowa Code of Judicial Conduct.
- (B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

Comment

- [1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Iowa Code of Judicial Conduct if undertaken by the judge.
- [2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.13 ADMINISTRATIVE APPOINTMENTS

- (A) In making administrative appointments, a judge:
- (1) shall exercise the power of appointment impartially* and on the basis of merit; and
- (2) shall avoid nepotism, favoritism, and unnecessary appointments.
- (B) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

Comment

[1] Appointees of a judge may include assigned counsel, mediators, officials such as district

associate judges, magistrates, referees, commissioners, special masters, receivers, guardians, and personnel such as clerks, secretaries, and court reporters. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by paragraph (A).

[2] Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner*, or the spouse or domestic partner of such relative.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.14 DISABILITY AND IMPAIRMENT

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

Comment

- [1] "Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include, but is not limited to, speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.
- [2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge's responsibility under this rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority*, agency, or body. *See* rule 51:2.15. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.15 RESPONDING TO JUDICIAL AND LAWYER MISCONDUCT

- (A) A judge having knowledge* that another judge has committed a violation of the Iowa Code of Judicial Conduct that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.*
- (B) A judge having knowledge that a lawyer has committed a violation of the Iowa Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.
- (C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.
- (D) A judge who receives information indicating a substantial likelihood a lawyer has committed a violation of this Code shall take appropriate action.
- (E) This rule does not require disclosure of information gained by a judge while participating in an approved judges or lawyers assistance program.

Comment

- [1] Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.
- [2] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have

violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include, but are not limited to, communicating directly with the lawyer who may have committed the violation or reporting the suspected violation to the appropriate authority or other agency or body.

[3] Information about a judge's misconduct or fitness may be received by a judge in the course of that judge's participation in an approved judges assistance program. In that circumstance, providing for an exception to reporting requirements of paragraphs (A) and (B) of this rule encourages judges to seek treatment through such a program. Conversely, without such an exception, judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of the public. These rules do not otherwise address the confidentiality of information received by a judge participating in an approved judges assistance program; such an obligation, however, may be imposed by the rules of the program or other law.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:2.16 COOPERATION WITH DISCIPLINARY AUTHORITIES

- (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.
- (B) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Comment

[1] Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.

[Court Order April 30, 2010, effective May 3, 2010]

CANON 3

A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE

Rule 51:3.1 EXTRAJUDICIAL ACTIVITIES IN GENERAL

A judge may engage in extrajudicial activities, except as prohibited by law* or the Iowa Code of Judicial Conduct. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
 - (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality;*
 - (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, the provision of legal services, or the administration of justice, or unless such additional use is permitted by law.

Comment

[1] To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, the provision of legal services, and the administration of justice, such as by speaking, writing, teaching,

or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. *See* rule 51:3.7.

- [2] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system.
- [3] Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. *See* rule 51:3.6.

[4] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by rule 51:3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.2 APPEARANCES BEFORE GOVERNMENTAL BODIES AND CONSULTATION WITH GOVERNMENT OFFICIALS

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except:

- (A) in connection with matters concerning the law, the legal system, the provision of legal services, or the administration of justice;
- (B) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or
- (C) when the judge is acting pro se in a matter involving the judge's legal or economic interests, or when the judge is acting in a fiduciary* capacity.

Comment

- [1] Judges possess special expertise in matters of law, the legal system, the provision of legal services, and the administration of justice and may properly share that expertise with governmental bodies and executive or legislative branch officials.
- [2] In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of the Iowa Code of Judicial Conduct, such as rule 51:1.3, prohibiting judges from using the prestige of office to advance their own or others' interests, rule 51:2.10, governing public comment on pending and impending matters, and rule 51:3.1(C), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- [3] In general, it would be an unnecessary and unfair burden to prohibit judges from appearing before governmental bodies or consulting with government officials on matters that are likely to affect them as private citizens, such as zoning proposals affecting their real property. In engaging in such activities, however, judges must not refer to their judicial positions and must otherwise exercise caution to avoid using the prestige of judicial office.

 [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.3 TESTIFYING AS A CHARACTER WITNESS

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly subpoenaed.

Comment

[1] A judge who, without being subpoenaed, testifies as a character witness abuses the prestige of

judicial office to advance the interests of another. See rule 51:1.3. Except in unusual circumstances where the demands of justice require, a judge should discourage a party from requiring the judge to testify as a character witness.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.4 APPOINTMENTS TO GOVERNMENTAL POSITIONS

A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, the provision of legal services, or the administration of justice.

Comment

- [1] Rule 3.4 implicitly acknowledges the value of judges accepting appointments to entities that concern the law, the legal system, the provision of legal services, or the administration of justice. Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge's time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.
- [2] A judge may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities. Such representation does not constitute acceptance of a government position.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.5 USE OF NONPUBLIC INFORMATION

A judge shall not intentionally disclose or use nonpublic information* acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

Comment

- [1] In the course of performing judicial duties, a judge may acquire information of commercial or other value that is unavailable to the public. The judge must not reveal or use such information for personal gain or for any purpose unrelated to his or her judicial duties.
- [2] This rule is not intended, however, to affect a judge's ability to act on information as necessary to protect the health or safety of any individual if consistent with other provisions of the Iowa Code of Judicial Conduct.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.6 AFFILIATION WITH DISCRIMINATORY ORGANIZATIONS

- (A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation. A judge's membership in a religious organization as a lawful exercise of the freedom of religion is not prohibited.
- (B) A judge shall not use the benefits or facilities of an organization if the judge knows* or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

Comment

[1] A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge's membership in an organization that practices invidious discrimination creates the perception that the judge's impartiality is impaired.

- [2] An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which judges should be attentive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends upon how the organization selects members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.
- [3] When a judge learns that an organization to which the judge belongs engages in invidious discrimination, the judge must resign immediately from the organization.
- [4] This rule does not apply to national or state military service. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.7 PARTICIPATION IN EDUCATIONAL, RELIGIOUS, CHARITABLE, FRATERNAL, OR CIVIC ORGANIZATIONS AND ACTIVITIES

- (A) Subject to the requirements of rule 51:3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, the provision of legal services, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:
- (1) assisting such an organization or entity in planning related to fund-raising, volunteering goods or services at fundraising events, and participating in the management and investment of the organization's or entity's funds;
- (2) soliciting* contributions* for such an organization or entity, but only from members of the judge's family,* or from judges over whom the judge does not exercise supervisory or appellate authority;
- (3) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, the provision of legal services, or the administration of justice;
- (4) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, the provision of legal services, or the administration of justice; and
- (5) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
 - (a) will be engaged in proceedings that would ordinarily come before the judge; or
- (b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.
 - (B) A judge may encourage lawyers to provide pro bono publico legal services.
 - (C) Subject to the requirements of rule 51:3.1, a judge may:
- (1) provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of legal services, or the administration of justice.
- (2) endorse projects and programs directly related to the law, the legal system, the provision of legal services, and the administration of justice to those coming before the courts.
- (3) participate in programs concerning the law or which promote the administration of justice.

- [1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.
- [2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.
- [3] Attendance at fundraising events and volunteering services or goods at or in support of fundraising events do not present an element of coercion or abuse the prestige of the judicial office and are not prohibited by this rule.
- [4] In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, if in doing so the judge does not employ coercion or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono publico legal work, and participating in events recognizing lawyers who have done pro bono publico work.
- [5] Judges, as parents, may assist their children in their fundraising activities if the procedures employed are not coercive and the sums nominal. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.8 APPOINTMENTS TO FIDUCIARY POSITIONS

- (A) A judge shall not accept appointment to serve in a fiduciary* position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family,* and then only if such service will not interfere with the proper performance of judicial duties.
- (B) A judge shall not serve in a fiduciary position if the judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves, or one under its appellate jurisdiction.
- (C) A judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to a judge personally.
- (D) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this rule as soon as reasonably practicable, but in no event later than six months after becoming a judge.

Comment

[1] A judge should recognize that other restrictions imposed by the Iowa Code of Judicial Conduct may conflict with a judge's obligations as a fiduciary; in such circumstances, a judge should resign as fiduciary. For example, serving as a fiduciary might require frequent disqualification of a judge under rule 51:2.11 because a judge is deemed to have an economic interest in shares of stock held by a trust if the amount of stock held is more than de minimis.*

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.9 SERVICE AS ARBITRATOR OR MEDIATOR

A judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties unless expressly authorized by law.*

Comment

[1] This rule does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of assigned judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is expressly authorized by

law.

[2] Senior judges can act as an arbitrator or a mediator as allowed by Iowa Court Rule 22.12. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.10 PRACTICE OF LAW

A judge shall not practice law. A judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family,* but is prohibited from serving as the family member's lawyer in any forum.

Comment

- [1] A judge may act pro se in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with governmental bodies. A judge must not use the prestige of office to advance the judge's personal or family interests. See rule 51:1.3.
- [2] This rule does not prohibit the practice of law pursuant to military service. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.11 FINANCIAL, BUSINESS, OR REMUNERATIVE ACTIVITIES

- (A) A judge may hold and manage investments of the judge and members of the judge's family.*
- (B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:
 - (1) a business closely held by the judge or members of the judge's family; or
- (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.
- (C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:
 - (1) interfere with the proper performance of judicial duties;
 - (2) lead to frequent disqualification of the judge;
- (3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or
 - (4) result in violation of other provisions of this Code.

Comment

- [1] Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families. Participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of the Iowa Code of Judicial Conduct. For example, it would be improper for a judge to spend so much time on business activities that it interferes with the performance of judicial duties. *See* rule 51:2.1. Similarly, it would be improper for a judge to use his or her official title or appear in judicial robes in business advertising, or to conduct his or her business or financial affairs in such a way that disqualification is frequently required. *See* rules 51:1.3 and 51:2.11.
- [2] As soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this rule.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.12 COMPENSATION FOR EXTRAJUDICIAL ACTIVITIES

A judge may accept reasonable compensation for extrajudicial activities permitted by the Iowa Code of Judicial Conduct or other law* unless such acceptance would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

[1] A judge is permitted to accept honoraria as allowed by Iowa Court Rule 22.23, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities. *See* rule 51:2.1.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.13 ACCEPTANCE OF GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER THINGS OF VALUE

- (A) A judge, a judge's spouse, a judge's domestic partner, or a judge's minor child shall not accept or solicit any gift, loan, bequest, benefit, or other thing of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*
- (B) Unless prohibited by paragraph (A), a judge, a judge's spouse, a judge's domestic partner*, or a judge's minor child may accept only the following gifts, loans, bequests, benefits, or other things of value if they are from a restricted donor:*
 - (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (2) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;
- (3) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;
- (4) anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
 - (5) an inheritance or bequest;
- (6) nonmonetary items with a value of \$3 or less that are received from any one donor during one calendar day;
- (7) items or services solicited by or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member;
- (8) items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the judicial branch is a member;
 - (9) funeral flowers or memorials to a church or non-profit organization; and
- (10) gifts which are given to an official or employee for the official's or the employee's wedding or twenty-fifth or fiftieth wedding anniversary.
- (C) Unless prohibited by paragraph (A), a judge, a judge's spouse, a judge's domestic partner, or a judge's minor child may receive the following gifts, loans, bequests, benefits, or other things of value from a donor other than a restricted donor:
- (1) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification of the judge under rule 51:2.11;
 - (2) ordinary social hospitality;
- (3) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
- (4) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;
- (5) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge;
 - (6) gifts incident to a public testimonial;
- (7) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:

- (a) an event associated with a bar-related function or other activity relating to the law, the legal system, the provision of legal services, or the administration of justice; or
- (b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by the Iowa Code of Judicial Conduct, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge;
- (8) contributions to the campaign committee of a judge, a judge's spouse, or a judge's domestic partner; and
 - (9) anything that can be given by a restricted donor under paragraph (B).

- [1] Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 51:3.13 imposes restrictions upon the acceptance of such benefits, according to the magnitude of the risk. Paragraph (B) identifies the only gifts, loans, bequests, benefits, or other things of value a judge, a judge's spouse, a judge's domestic partner, or a judge's minor child may accept from a restricted donor. Paragraph (C) identifies gifts, loans, bequests, benefits, or other things of value that a judge, a judge's spouse, a judge's domestic partner, or a judge's minor child may accept from a donor other than a restricted donor. Rule 51:3.13 substantially complies with the gift law provisions of chapter 68B of the Iowa Code.
- [2] Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification under rule 51:2.11, there would be no opportunity for a gift to influence the judge's decision making. Paragraph (C)(1) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances.
- [3] Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.
- [4] Rule 51:3.13 applies to acceptance of gifts or other things of value by a judge's spouse, a judge's domestic partner, or a judge's minor child. If a gift or other benefit is given to the judge's spouse, domestic partner, or minor child, it may be viewed as an attempt to influence the judge indirectly. A judge should remind family members of the restrictions imposed upon judges and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.
- [5] Rule 51:3.13 does not apply to contributions to a judge's retention election. Such contributions are governed by other rules of the Iowa Code of Judicial Conduct, including rules 51:4.3 and 51:4.4.
- [6] In deciding whether a gift, loan, benefit, or other thing of value constitutes ordinary social hospitality, relevant considerations include the cost of the event or gift, whether the benefits conferred are greater in value than that traditionally furnished at similar events sponsored by bar associations or similar groups, whether the benefits are greater in value than that which the judge customarily provides the judge's own guests, whether the benefits conferred are usually exchanged only between friends or relatives, whether there is a history or expectation of reciprocal social hospitality between the judge and the donor, whether the event is a traditional occasion for social hospitality, and whether the benefits received must be reported to any governmental entity. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:3.14 REIMBURSEMENT OF EXPENSES AND WAIVERS OF FEES OR CHARGES

(A) Unless otherwise prohibited by rules 51:3.1 and 51:3.13(A) or other law,* a judge may

accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by the Iowa Code of Judicial Conduct.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner*, or guest.

Comment

- [1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines, in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by the Iowa Code of Judicial Conduct.
- [2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis, and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.
- [3] A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity, or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:
- (a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;
- (b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;
- (c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge, or to matters that are likely to come before the judge;
- (d) whether the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;
 - (e) whether information concerning the activity and its funding sources is available upon inquiry;
- (f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification or recusal of the judge under rule 51:2.11;
 - (g) whether differing viewpoints are presented; and
- (h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges. [Court Order April 30, 2010, effective May 3, 2010]

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

Rule 51:4.1 POLITICAL AND CAMPAIGN ACTIVITIES OF JUDGES AND JUDICIAL CANDIDATES IN GENERAL

- (A) Except as permitted by law,* or by rules 51:4.2, 51:4.3, and 51:4.4, a judge or a judicial candidate* shall not:
 - (1) act as a leader in, or hold an office in, a political organization;*
 - (2) make speeches on behalf of a political organization;

- (3) publicly endorse or oppose a candidate for any public office;
- (4) solicit funds for, pay an assessment to, or make a contribution* to a political organization, a candidate for judicial retention, or a candidate for public office;
- (5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;
 - (6) publicly identify himself or herself as a candidate of a political organization;
 - (7) seek, accept, or use endorsements from a political organization;
- (8) personally solicit* or accept campaign contributions other than through a campaign committee authorized by rule 51:4.4;
- (9) use or permit the use of campaign contributions for the private benefit of the judge, the judicial candidate, or others;
 - (10) use court staff, facilities, or other court resources in a campaign for judicial office;
- (11) knowingly,* or with reckless disregard for the truth, make any false or misleading statement:
- (12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a pending matter* or impending matter* in any court; or
- (13) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office,
 - (14) participate in a precinct caucus; or
 - (15) solicit or accept any campaign contributions from any judicial branch employee.
- (B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

General Considerations

- [1] Even when subject to a retention election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates.
- [2] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

Participation in Political Activities

- [3] Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence. Although judges and judicial candidates may register to vote as members of a political party, they are prohibited by paragraph (A)(1) from assuming leadership roles in political organizations.
- [4] Paragraphs (A)(2) and (A)(3) prohibit judges and judicial candidates from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. *See* rule 51:1.3. These rules do not prohibit judicial candidates from campaigning on their own behalf. *See* rule 51:4.2(B)(2).
- [5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no "family exception" to the prohibition in paragraph (A)(3) against a judge or judicial candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member's political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member's

candidacy or other political activity.

[6] Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections. For purposes of this Canon, participation in a caucus-type election procedure does constitute public support for or endorsement of a political organization or candidate, and is prohibited by this Code. In Iowa, a precinct caucus is organized and held by a political party in order to elect delegates to a party's county convention and, thus, serves a purely political purpose. *See* Iowa Code § 43.4.

Statements and Comments Made during a Campaign for Judicial Office

- [7] Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (A)(11) obligates judicial candidates and their committees to refrain from making statements that are false or misleading or that omit facts necessary to make the communication considered as a whole not materially misleading.
- [8] Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by third parties or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a judicial candidate. In other situations, false or misleading allegations may be made that bear upon a judicial candidate's integrity or fitness for judicial office. As long as the judicial candidate does not violate paragraphs (A)(11), (A)(12), or (A)(13), the judicial candidate may make a factually accurate public response.
- [9] Subject to paragraph (A)(12), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.
- [10] Paragraph (A)(12) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office

- [11] The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to a retention election. Campaigns for retention must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to make informed electoral choices.
- [12] Paragraph (A)(13) makes applicable to both judges and judicial candidates the prohibition that applies to judges in rule 51:2.10(B) relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.
- [13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.
- [14] A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A judicial candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.
- [15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(13) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, judicial candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(13), therefore, judicial candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially

if retained. Judicial candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a retained judge's independence or impartiality, or that it might lead to frequent disqualification. *See* rule 51:2.11.

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:4.2 POLITICAL AND CAMPAIGN ACTIVITIES OF JUDICIAL CANDIDATES IN RETENTION ELECTIONS

- (A) A judicial candidate* in a retention election shall:
- (1) act at all times in a manner consistent with the independence,* integrity,* and impartiality* of the judiciary;
- (2) comply with all applicable election, election campaign, and election campaign fund-raising laws, regulations of Iowa, and this Code;
- (3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by rule 51:4.4, before their dissemination; and
- (4) take reasonable measures to ensure that other persons do not undertake on behalf of the judicial candidate activities, other than those described in rule 51:4.4, that the candidate is prohibited from doing by rule 51:4.1.
 - (B) A judicial candidate in a retention election may, unless prohibited by law*:
 - (1) establish a campaign committee pursuant to the provisions of rule 51:4.4;
- (2) speak on behalf of his or her candidacy through any medium, including, but not limited to, advertisements, websites, or other campaign literature; and
- (3) seek, accept, or use endorsements from any person or organization other than a partisan political organization.

Comment

- [1] Paragraph (B) permits judicial candidates in retention elections to engage in some political and campaign activities otherwise prohibited by rule 51:4.1.
- [2] Despite paragraph (B), judicial candidates for retention election remain subject to many of the provisions of rule 51:4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. *See* rule 51:4.1(A), paragraphs (4), (11), and (13).
- [3] In retention elections, paragraph (B)(3) prohibits a candidate from seeking, accepting, or using nominations or endorsements from a partisan political organization.

 [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:4.3 ACTIVITIES OF CANDIDATES FOR APPOINTIVE JUDICIAL OFFICE

A candidate for appointment to judicial office may:

- (A) communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and
- (B) seek endorsements for the appointment from any person or organization other than a partisan political organization.

Comment

[1] When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. *See* rule 51:4.1(A)(13).

[Court Order April 30, 2010, effective May 3, 2010]

Rule 51:4.4 CAMPAIGN COMMITTEES

- (A) A judicial candidate* subject to a retention election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of the Iowa Code of Judicial Conduct. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.*
- (B) A judicial candidate subject to a retention election shall direct his or her campaign committee:
 - (1) to solicit and accept only such campaign contributions* as are permissible by law;
- (2) to not solicit or accept any campaign contributions from other judicial officers or any judicial branch employee;
- (3) to contribute all surplus contributions held by the committee after the election without public attribution to the Interest on Lawyers' Trust Account Program (IOLTA).
- (4) to comply with all applicable statutory requirements under the Iowa Code and all applicable rules of the Iowa Ethics and Campaign Disclosure Board; and
 - (5) to comply with all applicable requirements of this Code.

Comment

- [1] Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. *See* rule 51:4.1(A)(8). This rule recognizes that in Iowa, judges standing for retention must raise campaign funds to support their candidacies, and permits judicial candidates, other than candidates seeking appointment to judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.
- [2] Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. However, campaign committees may not solicit or accept campaign contributions from other judicial officers or from any judicial branch employee. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.
- [3] At the start of a campaign, the candidate must instruct the campaign committee to solicit or accept only such contributions as are in conformity with Iowa election laws. Although lawyers and others who might appear before a successful candidate for judicial office are permitted to make campaign contributions, the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions, so they do not create grounds for disqualification if the candidate is retained in his or her judicial office. *See* rule 51:2.11.
- [4] Iowa has adopted a system whereby judges periodically must stand for retention during the general election. *See* Iowa Code ch. 46. Iowa Code chapter 68A permits a judicial candidate to establish a candidate's committee to support that individual's candidacy, while section 68A.102(4) defines "candidate" so as to include "any judge standing for retention in a judicial election." The Iowa Code, thus, envisions and creates a system allowing a judge to establish campaign committees when involved in a judicial retention election. The Iowa Code of Judicial Conduct merely implements this system, albeit in a more restrictive fashion than for those seeking political or other office. [Court Order April 30, 2010, effective May 3, 2010]

Rule 51:4.5 ACTIVITIES OF JUDGES WHO BECOME CANDIDATES FOR NONJUDICIAL OFFICE

- (A) Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law* to continue to hold judicial office.
- (B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

Comment

[1] In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office.

Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

[2] The "resign to run" rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule. [Court Order April 30, 2010, effective May 3, 2010]

CHAPTER 52

RULES OF PROCEDURE OF THE STATE OF IOWA COMMISSION ON JUDICIAL QUALIFICATIONS

Rule 52.1	Authorization and scope
Rule 52.2	Definitions
Rule 52.3	Officers and staff
Rule 52.4	Replacement of interested judicial member
Rule 52.5	Confidentiality
Rule 52.6	Meetings
Rule 52.7	Quorum
Rule 52.8	Minutes
Rule 52.9	Complaints
Rule 52.10	Initial inquiry
Rule 52.11	Investigation and disposition
Rule 52.12	Formal proceedings
Rule 52.13	Answer
Rule 52.14	Allowable motions — prehearing conference
Rule 52.15	Discovery
Rule 52.16	Continuances
Rule 52.17	Final hearing
Rule 52.18	Procedural rights of judicial officer or employee
Rule 52.19	Amendment to notice of charge(s) or answer
Rule 52.20	Subpoena power
Rule 52.21	Privilege in defamation actions
Rule 52.22	Physical or mental examinations
Rule 52.23	Compensation of witnesses
Rule 52.24	Findings and determination by commission
Rule 52.25	Application to supreme court
Rule 52.26	Letters of caution and warning

CHAPTER 52 RULES OF PROCEDURE OF THE STATE OF IOWA COMMISSION ON JUDICIAL QUALIFICATIONS

Rule 52.1 Authorization and scope. The rules in this chapter are adopted pursuant to Iowa Code section 602.2105. They apply to all proceedings, functions, and responsibilities of the commission. [Court Order November 9, 2001, effective February 15, 2002]

Rule 52.2 Definitions. In this chapter unless the content or subject matter otherwise requires:

"Chairperson" means the presiding officer of the commission and includes the chairperson of the commission, the vice chairperson, or any acting chairperson designated by the commission to preside in the absence of the chairperson.

A "charge" is the written specification by which formal proceedings are instituted pursuant to Iowa Code section 602.2104.

"Commission" means the commission on judicial qualifications.

A "complaint" shall be any written communication to the commission which indicates a violation of Iowa Code section 602.2106(3).

"Employee" means an officer or employee of the judicial branch, except a judicial officer subject to the jurisdiction of the commission.

"Judicial officer" means a supreme court justice, a court of appeals judge, a district court judge, a district associate judge, associate judge, associate judge, or magistrate of this state subject to the jurisdiction of the commission.

"Oath" is synonymous with "affirmation" and "swear" is synonymous with "affirm."

"Shall" is mandatory and "may" is permissive.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.3 Officers and staff.

- **52.3(1)** The commission shall elect a chairperson and a vice chairperson to serve for the calendar year and until successors are elected.
- **52.3(2)** The state court administrator or designee of the state court administrator shall be executive secretary of the commission.
- **52.3(3)** The commission may employ such additional investigative personnel as it deems necessary.
- **52.3(4)** The commission may employ or contract for the employment of legal counsel. However, the attorney general shall prosecute the charge(s) before the commission on behalf of the state. [Court Order November 9, 2001, effective February 15, 2002]

Rule 52.4 Replacement of interested judicial member.

- **52.4(1)** If the judicial member of the commission is the subject of a complaint before the commission under rule 52.9, the chief justice of the supreme court shall appoint a district judge of another judicial district to the commission until the person charged is exonerated, or for the unexpired portion of the term if the person charged is not exonerated.
- **52.4(2)** If the judicial member of the commission is a resident judge of the same judicial district as the judicial officer who is the subject of a complaint before the commission under rule 52.9, the chief justice of the supreme court shall appoint a district judge of another judicial district to the commission to act as the judicial member during that proceeding. However, if the judicial member recuses himself or herself from the matter prior to the commission acting on the complaint, and a quorum is present to act on the matter, the judicial member shall not be replaced by the chief justice of the supreme court, unless formal proceedings under rule 52.12 are commenced.
- **52.4(3)** The executive secretary shall notify the chief justice of the supreme court of any need for such replacement appointment.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.5 Confidentiality.

52.5(1) Notwithstanding the provisions of Iowa Code chapters 21 and 22, all records, papers, proceedings, meetings, and hearings of the commission shall be confidential, unless the commission applies to the supreme court to retire, discipline, or remove a judicial officer or employee.

- **52.5(2)** If the commission applies to the supreme court to retire, discipline, or remove a judicial officer or employee, the following records and papers shall become public documents:
 - a. The initial complaint(s).
- b. The notice of charge(s) filed by the commission initiating the charge(s) against the judicial member or employee.
 - c. All pleadings, motions and discovery filed with the commission after the notice of charge(s).
 - d. A transcript of any hearing of the commission that was made by a certified shorthand reporter.
 - e. All exhibits admitted at any hearing of the commission.
 - f. The application of the commission made to the supreme court.
- **52.5(3)** Any records and papers contained in the commission's investigation file shall remain privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the judicial officer, employee, the attorneys' agents involved in the proceeding before the commission. The judicial officer, employee, the attorneys, or the attorneys' agents involved in the proceeding before the commission shall not disclose any records and papers contained in the commission's investigation file to any third parties unless disclosure is required in the prosecution or defense of the charges. The records and papers contained in the commission's investigation file shall not be admissible in evidence in a judicial or administrative proceeding other than the formal commission proceeding under rule 52.12.
- **52.5(4)** Every witness in every proceeding under this chapter shall swear or affirm to tell the truth, and not to disclose the existence of the proceedings or the identity of the judicial officer or employee until the proceeding is no longer confidential under these rules.
- **52.5(5)** All communications, papers, and materials concerning any complaint which may come into the hands of a commission member shall remain confidential and the member shall keep the same in a safe and secure place.
- **52.5(6)** All statements, communications, or materials received by any person investigating any complaint on behalf of the commission shall be confidential.
- **52.5(7)** The executive secretary, chairperson or a member of the commission designated by the chairperson may issue one or more clarifying announcements when the subject matter of a complaint or charge(s) is of broad public interest and failure to supply information on the status and nature of the formal proceedings could threaten public confidence in the administration of justice. No other member of the commission shall make any public statement concerning any matter before the commission without prior approval of the commission.
- **52.5(8)** Nothing in this chapter shall prohibit the commission from releasing any information regarding possible criminal violations to appropriate law enforcement authorities, wherever located, or any information regarding possible violations of the Iowa Rules of Professional Conduct to the Iowa Supreme Court Attorney Disciplinary Board.

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 52.6 Meetings. The commission shall meet at least once in each calendar quarter. Meetings may be held by telephone conference or at such place as the chairperson may designate if no member of the commission objects. If there is an objection by a member of the commission to holding a meeting by telephone conference or at a place other than the Iowa Judicial Branch Building in Des Moines, the meeting shall be held at the Iowa Judicial Branch Building in Des Moines. Special meetings may be called by the chairperson or at the request of three or more members of the commission.

[Court Order November 9, 2001, effective February 15, 2002; April 9, 2003]

Rule 52.7 Quorum. A quorum for the transaction of business by the commission shall consist of four members. Only members present may vote. Members participating in a telephone conference shall be deemed to be present at the meeting.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.8 Minutes. Minutes shall be kept of each meeting of the commission and shall record the action taken, the names of those present, and any other matter that the commission may deem appropriate. The minutes shall be confidential.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.9 Complaints.

- **52.9(1)** A complaint shall be in writing but may be simple and informal. It shall be mailed to or filed with the executive secretary of the commission.
- **52.9(2)** The executive secretary shall promptly acknowledge receipt of any writing and transmit a copy of the writing to each member of the commission.
- **52.9(3)** A complaint may be initiated by the commission's own motion. A separate writing signed by the chairperson shall be filed with the commission if the complaint was initiated on the commission's own motion. This filing shall constitute the complaint.

 [Court Order November 9, 2001, effective February 15, 2002]

Rule 52.10 Initial inquiry.

- **52.10(1)** Upon receipt of a complaint a determination shall be made whether or not the complaint is of substantial nature and involves matters which could be grounds for a charge within the jurisdiction of the commission to make application to the supreme court:
- a. To retire a judicial officer or employee for permanent physical or mental disability which substantially interferes with the performance of his or her duties.
- b. To discipline or remove a judicial officer or employee for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings the judicial office into disrepute, or a substantial violation of the canons of judicial ethics.
- **52.10(2)** If the commission finds the complaint on its face is clearly unfounded, frivolous, or could not be the basis for a charge within the jurisdiction of the commission, the complaint shall be dismissed with notice to the complainant.
- **52.10(3)** If the commission finds the complaint on its face is substantial, and, if true, would warrant application to the supreme court the commission may formulate a charge and institute formal proceedings, without any further inquiry or investigation.
- **52.10(4)** Upon the making of the determination provided in rule 52.10(1), when the commission has received a complaint or initiated a complaint on its own motion, the commission or the chairperson may direct that an additional inquiry be made by the executive secretary, or a commission member. The chairperson of the commission may further direct that the judicial officer or employee about whom a complaint has been made be notified that a complaint has been received, and of the substance of the complaint. When such notice is directed it shall advise the judicial officer or employee that the matter is in a preliminary stage and is not the subject of a formal investigation under rule 52.11(1), nor is the notice intended to be notice required under rule 52.11(2) of the commission. In such circumstances the judicial officer or employee shall be notified that because of the substance of the complaint or the commission's concern, the commission or chairperson feels that it would be desirable for the judicial officer or employee to provide in writing a report to the commission concerning matters referred to in the notice, and that it is requested, but not required, that the judicial officer or employee give to the commission such report.
- **52.10(5)** The commission or the chairperson may request the complainant to clarify the complainant's original statement to furnish additional information, to disclose sources of information, or to verify by affidavit statements of fact within the complainant's knowledge.
 - **52.10(6)** The commission or the chairperson may also initiate inquiries of other sources.
- **52.10(7)** The commission shall dismiss the complaint and so inform the complainant if the initial inquiry confirms the fact that the complaint is clearly unfounded, frivolous, or could not be the basis for a charge within the jurisdiction of the commission. If the judicial officer or employee has been given notice of the initial inquiry as contemplated in rule 52.10(4), the judicial officer or employee shall likewise be informed of the dismissal of the complaint.
- **52.10(8)** If after the initial inquiry the complaint appears to be substantiated in whole or in part but does not warrant application to the supreme court the commission may dispose of the complaint informally by conference with or communication to the judicial officer or employee. The complainant shall be notified of such action.
- **52.10(9)** The commission shall direct that an investigation of the complaint be made if the initial inquiry indicates that the complaint may constitute a charge within the commission's jurisdiction and formal proceedings have not been initiated.
- **52.10(10)** The commission may formulate a charge and institute formal proceedings if the initial inquiry indicates that the matter investigated appears to be substantiated and, if true, would warrant application to the supreme court.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.11 Investigation and disposition.

- **52.11(1)** The commission may direct an investigation on its own motion, without any initial inquiry under rule 52.10.
- **52.11(2)** The judicial officer or employee involved shall be notified of the investigation and the nature of the complaint. The commission in its discretion may disclose the name of the complainant or that the investigation is on the commission's own motion. Notification shall be by prepaid certified or registered mail marked "confidential" and addressed to the judicial officer's chambers, employee's business address or last known residence of the judicial officer or employee. The judicial officer or employee may be requested to provide in writing a report to the commission concerning matters referred to in the complaint. The judicial officer or employee shall be notified that it is not mandatory that the judicial officer or employee provide such report.
- **52.11(3)** In the event the investigation indicates that the complaint has merit, then the commission in its discretion may grant to the judicial officer or employee an opportunity to present to the commission such information relevant to the complaint as the judicial officer or employee may desire to submit.
- **52.11(4)** The commission shall dismiss the complaint and so inform the judicial officer or employee and the complainant if the investigation shows it to be groundless.
- **52.11(5)** After the investigation, if the complaint appears to be substantiated in whole or in part but does not warrant application to the supreme court, the commission may dispose of the complaint informally by conference with or communication to the judicial officer or employee. The complainant shall be notified of such action.
- **52.11(6)** The commission shall formulate a charge and institute formal proceedings if the investigation indicates that the matter investigated appears to be substantiated and, if true, would warrant application to the supreme court.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.12 Formal proceedings.

- **52.12(1)** The service of the notice of charge(s) shall constitute the commencement of formal proceedings against a judicial officer or employee.
- **52.12(2)** Formal proceedings to inquire into a charge shall be entitled "Before the Commission on Judicial Qualifications, State of Iowa. Inquiry Concerning (name of judicial officer or employee)."
- **52.12(3)** The notice of charge(s) shall specify the charge(s) against the judicial officer or employee with a concise, general summary of the alleged facts on which it is based, and shall state the time and place of hearing. The hearing shall be held in the county where the judicial officer or employee resides unless the commission and the judicial officer or employee agree to a different location.
- **52.12(4)** The notice of charge(s) shall be signed by the chairperson of the commission or on the chairperson's behalf by the executive secretary of the commission pursuant to the express direction of the chairperson.
- **52.12(5)** The notice of charge(s) shall be sent by prepaid certified or registered mail addressed to the judicial officer or employee at the judicial officer's or employee's residence and marked "confidential," at least 20 days prior to the time set for the hearing.
- **52.12(6)** A copy of the complaint upon which the notice of charge(s) is based and the complete investigative file shall be sent to the judicial officer or employee with the notice of charge(s). The investigative file of the commission does not include the recommendations of the attorney general to the commission. The recommendations of the attorney general to the commission are privileged and are not to be transmitted.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.13 Answer. Within 15 days after service of the notice of formal proceedings, the judicial officer or employee may file a verified answer at the office of the commission in the Iowa Judicial Branch Building in Des Moines.

[Court Order November 9, 2001, effective February 15, 2002; April 9, 2003]

Rule 52.14 Allowable motions — prehearing conference.

52.14(1) The following prehearing motions may be filed:

a. A judicial officer or employee may request that the hearing be held at a place other than the county where the judicial officer or employee resides. Such motion shall be contained in the answer or filed with the commission in the time for filing an answer. The chairperson or a member of the

commission designated by the chairperson shall have authority to rule on this motion. A hearing need not be held prior to entering a ruling. Any hearing may be held telephonically and without a record being made of the hearing.

- b. Either party may file a motion regarding discovery disputes which shall be governed by rule 52.15.
- c. Either party may request a prehearing conference. The chairperson or a member of the commission designated by the chairperson may conduct the prehearing conference. The prehearing conference may be held telephonically and without a record being made of the hearing. The commission on its own motion may require a prehearing conference.
 - d. Either party may file a motion for a continuance which may be granted pursuant to rule 52.16.
 - **52.14(2)** The commission will not consider any other prehearing motions or applications.
- **52.14(3)** The commission will not consider any dispositive motions prior to the close of all the evidence of a hearing.
- **52.14(4)** The action of the chairperson or a single member of the commission designated by the chairperson under rule 52.14, 52.15 or 52.16 may be reviewed by the commission on its own motion or a motion of a party. A motion by a party for review of an action of the chairperson or a single member of the commission designated by the chairperson shall be served and filed within ten days after the filing of the challenged order.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.15 Discovery.

- **52.15(1)** In any formal proceeding taken by the commission, discovery shall be permitted as provided in Iowa Rs. Civ. P. 1.501 to 1.517 inclusive; 1.701 and 1.702; and in 1.714 to 1.717. The judicial officer or employee against whom a notice of charge(s) has been filed, in addition to the restriction stated in Iowa R. Civ. P. 1.503(1), shall not be required to answer an interrogatory pursuant to Iowa R. Civ. P. 1.509, a request for admission pursuant to Iowa R. Civ. P. 1.510, a question upon oral examination pursuant to Iowa R. Civ. P. 1.701, or a question upon written interrogatories, pursuant to Iowa R. Civ. P. 1.710, if the answer would be self-incriminatory. In addition thereto, evidence and testimony may be perpetuated as provided in Iowa Rs. Civ. P. 1.721 to 1.728.
- **52.15(2)** The time to respond to any discovery allowed under rule 52.15(1) shall be 15 days, regardless of time allowed by the Iowa Rules of Civil Procedure.
- **52.15(3)** All discovery shall be timed so that it is completed, including the time to receive responses to all propounded discovery, no later than 50 days after service of the notice of charge(s).
- **52.15(4)** All motions or applications pertaining to discovery shall be filed with the commission as soon as practicable. The chairperson or a member of the commission designated by the chairperson shall have authority to rule on any motions or applications. A hearing need not be held prior to entering a ruling. Any hearing may be held telephonically and without a record being made of the hearing.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.16 Continuances. The commission may grant reasonable continuances but only upon written application supported by affidavit. The motion for continuance shall be filed with the commission as soon as the reason for continuance becomes apparent to the movant. The chairperson or a member of the commission designated by the chairperson shall have authority to rule on any motion for continuance. A hearing need not be held prior to entering a ruling. Any hearing may be held telephonically and without a record being made of the hearing.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.17 Final hearing.

- **52.17(1)** The commission may proceed with the final hearing at the time and place set, whether or not the judicial officer or employee has filed an answer or appears at the hearing.
- **52.17(2)** The chairperson of the commission shall preside over and conduct the final hearing. The presentation of evidence shall conform to the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence insofar as such rules may be applicable to cases tried in equity.
 - **52.17(3)** All evidence received shall be taken only on oath or affirmation.
- **52.17(4)** The attorney general, on behalf of the state, shall present the case in support of the charge(s) before the commission.

52.17(5) A complete record of the evidence shall be made by a certified shorthand reporter. [Court Order November 9, 2001, effective February 15, 2002]

Rule 52.18 Procedural rights of judicial officer or employee.

- **52.18(1)** The judicial officer or employee may defend and shall have the right to participate in the proceedings in person and by counsel, to cross-examine, to be confronted by witnesses, and to present evidence in accordance with the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence.
- **52.18(2)** A judicial officer shall continue judicial duties during the pendency of any complaint, charge(s), investigation, or formal proceeding unless otherwise ordered by the commission. An employee shall continue his or her duties during the pendency of any complaint, charge(s), investigation, or formal proceeding unless otherwise ordered by the commission. [Court Order November 9, 2001, effective February 15, 2002]

Rule 52.19 Amendment to notice of charge(s) or answer. Amendments shall be governed by the Iowa Rules of Civil Procedure.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.20 Subpoena power.

52.20(1) The commission shall have subpoena power during any investigation conducted on its behalf compelling the appearance of persons or the production of documents before the person designated to conduct the investigation on behalf of the commission.

[Court Order November 9, 2001, effective February 15, 2002]

- **52.20(2)** The commission shall have subpoen power on behalf of the state and the judicial officer or employee compelling the appearance of persons or the production of documents during discovery and the final hearing.
- **52.20(3)** Disobedience of the commission's subpoena shall be punishable as contempt in the district court in and for the county in which the hearing is to be held or where the investigation is being conducted.
- **52.20(4)** Any application for a subpoena shall be made to the commission's executive secretary or chairperson.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.21 Privilege in defamation actions. The making of charges before the commission, the giving of evidence or information before the commission or to its investigator and the presentation of transcripts, extensions of evidence, briefs, and arguments in the supreme court shall be privileged in actions for defamation.

[Court Order November 9, 2001, effective February 15, 2002]

- Rule 52.22 Physical or mental examinations. Where a judicial officer's or employee's physical or mental health is in issue, the commission may order the judicial officer or employee to submit to a physical or mental examination by a duly licensed health care professional designated by the commission. The failure of the judicial officer or employee to submit to a physical or mental examination ordered by the commission may be considered by the commission, unless it appears that such failure was due to circumstances beyond the control of the judicial officer or employee. [Court Order November 9, 2001, effective February 15, 2002]
- Rule 52.23 Compensation of witnesses. Each witness compelled to attend any proceedings under this chapter, other than an officer or employee of the state or a political subdivision, shall receive for attendance the same fees and mileage allowed by law to a witness in a civil case, payable from the commission's funds.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.24 Findings and determination by commission.

52.24(1) In accordance with its findings on the evidence at the hearing, the commission shall dismiss the charge(s) or make application to the supreme court to retire, discipline, or remove the judicial officer or employee. A copy of the application shall be sent to the judicial officer or employee by prepaid certified or registered mail. Copies shall also be provided to the attorneys of record.

- **52.24(2)** Any application by the commission to the supreme court or any action by the commission which affects the final disposition of a complaint shall require the affirmative vote of at least four commission members who were present at the hearing.
- **52.24(3)** Any person filing a complaint with the commission shall be notified by ordinary mail of its final disposition.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.25 Application to supreme court. If the commission makes application to the supreme court to retire, discipline, or remove a judicial officer or employee, it shall promptly file in the supreme court all items set forth in rule 52.5(2).

[Court Order November 9, 2001, effective February 15, 2002]

Rule 52.26 Letters of caution and warning. In some cases, the commission may conclude that a judicial officer's or employee's conduct has been questionable but does not amount to misconduct, or that misconduct of a very minor nature has occurred which does not warrant formal discipline. In these cases, the commission may inform the judicial officer or employee that no present formal disciplinary action will be taken but that the judge should avoid similar conduct in the future. [Court Order November 9, 2001, effective February 15, 2002]

Historical notes from Third Edition of the Iowa Court Rules:

[Court Order December 26, 1985, effective February 3, 1986; April 30, 1987, effective June 1, 1987; August 31, 1987, effective October 1, 1987; January 10, 1990; July 5, 2000]

August 2018 Ch 53, p.1

CHAPTERS 53 TO 60

Reserved

CHAPTER 61 IOWA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN JUVENILE COURT

I. General

Standards 1-3

II. Relationship with the Client

Standards 4-12

III. Investigation and Court Preparation

Standards 13-23

IV. Appeal

Standards 24-27

CHAPTER 61 IOWA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN JUVENILE COURT

These standards do not add obligations to the Iowa Rules of Professional Conduct, but like the comments to those rules, they provide guidance to attorneys representing parents in juvenile proceedings for practicing in compliance with the rules. In the event of any conflict between these standards and a rule of professional conduct, the requirements of the rule take precedence.

The parent's attorney shall:

I. General

- 1. Adhere to all educational requirements before accepting a court appointment to represent a client in a child welfare case. Acquire sufficient working knowledge of all relevant federal and state laws, regulations, policies, and rules.
- 2. Avoid continuances and work to reduce delays in court proceedings unless warranted by the interests of the client.
- 3. Communicate as needed with other professionals in the case to protect or advance the client's interests.

II. Relationship with the Client

- 4. Establish and maintain a working relationship with the client. Communicate with the client prior to the day of hearing and when apprised of emergencies or significant events.
- 5. Advocate for the client's goals. Empower the client to direct the representation and make informed decisions.
- 6. Understand and protect the client's rights to information and decision-making while the child is placed out of the home.
- 7. Act in accordance with the duty of loyalty owed to the client while adhering to all laws and ethical obligations concerning confidentiality. Avoid potential conflicts of interest that would interfere with the competent representation of the client. Comply with all other Iowa Rules of Professional Conduct.
- 8. Provide the client with all relevant contact information. Establish a system that promotes regular client-attorney contact.
- 9. Communicate with the client in a manner that promotes advocacy and adequate preparation to support the client's position.
- 10. Take reasonable steps to communicate with incarcerated clients and to locate clients who become absent. Develop representation strategies. Establish a plan for the client's participation in case-related events.
- 11. Communicate with and counsel the client about financial implications of the juvenile matter to promote and protect the client's interest.
- 12. Investigate and consider the client's background and its impact on the case. Act in a culturally competent manner and with due regard to disabilities or unique circumstances of the client. Advocate for appropriate supportive services with the child welfare agency and court.

III. Investigation and Court Preparation

- 13. Conduct an independent investigation at every stage of the proceeding as reasonable and necessary.
 - 14. Use effective discovery methods according to the Iowa Rules of Juvenile Procedure.
- 15. Consult with the client to develop a case theory and strategy. Explain the statutory timeline for the case.
 - 16. Timely file appropriate pleadings, motions, and briefs.

- 17. Engage in multidisciplinary case planning and advocate for appropriate services and high quality family interaction.
- 18. Effectively participate with the client in family team meetings, mediation, and other negotiations.
 - 19. Thoroughly prepare the client in advance for all hearings, meetings, and other case events.
- 20. Identify, locate, and prepare necessary lay and expert witnesses. Prepare for cross-examination and, when permissible, interview those witnesses.
- 21. Review court orders to ensure accuracy and clarity. Review orders with the client. Take reasonable steps to ensure the client complies with court orders.
- 22. Continually evaluate whether the case should be reviewed by the court prior to the next scheduled hearing date to ensure case progress.
 - 23. Timely file reasonable and necessary post-hearing motions.

IV. Appeal

- 24. Consider and discuss appeal options and deadlines with the client.
- 25. Timely file appeal documents if the client decides to appeal. Adhere to the Iowa Rules of Appellate Procedure.
 - 26. Timely review the ruling and discuss its implications with the client.
 - 27. Consider and discuss further review options.

Commentary to the Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court

The parent's attorney shall:

I. General

1. Adhere to all educational requirements before accepting a court appointment to represent a client in a child welfare case. Acquire sufficient working knowledge of all relevant federal and state laws, regulations, policies, and rules.

- [1] As in all areas of law, it is essential that attorneys learn the substantive law as well as local practice. A client's fundamental liberty interest in the care and custody of the client's child is at stake, and the attorney must be adequately trained to protect this interest. The attorney must know enough about all relevant laws to vigorously advocate for the client's interests. Additionally, the attorney must be able to use procedural, evidentiary, and confidentiality laws and rules to protect the client's rights throughout court proceedings.
- [2] It is essential for the attorney to read and understand all state laws, policies, and procedures regarding child abuse and neglect. In addition, the attorney must be familiar with other applicable laws to recognize when they are relevant to a case and to conduct research if necessary. Examples of potentially relevant laws include but are not limited to:
- Titles IV-B and IV-E of the Social Security Act, including the Adoption and Safe Families Act (AFSA), 42 U.S.C. §§620-679 and the ASFA Regulations, 45 C.F.R. Parts 1355, 1356, 1357
- Child Abuse Prevention Treatment Act (CAPTA), P.L.108-36
- Indian Child Welfare Act (ICWA) 25 U.S.C. §§190-963; ICWA Regulations, 25 C.F.R. Part 23; Guidelines for State Courts: Indian Child Custody Proceedings, 44 Fed. Reg. 67, 584 (Nov. 26, 1979)
- State Indian Child Welfare Act laws
- Multi-Ethnic Placement Act (MEPA), as amended by the Inter-Ethnic Adoption Provisions of 1996 (MEPA-IEP) 42 U.S.C. §622 (b)(9) (1998), 42 U.S.C. §671(a)(18) (1998), 42 U.S.C. §1996b (1998)

- Interstate Compact on Placement of Children (ICPC)
- Foster Care Independence Act of 1999 (FCIA), P.L. 106-169
- Individuals with Disabilities Education Act (IDEA), P.L. 91-230
- Family Education Rights Privacy Act (FERPA), 20 U.S.C. §1232g
- Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191 §264, 42 U.S.C. §1320d-2 (in relevant part)
- Public Health Act, 42 U.S.C. §290dd-2 and 42 C.F.R. Part 2
- · Immigration laws relating to child welfare and child custody
- State laws and rules of juvenile procedure
- State laws and rules of evidence
- State laws and rules of civil procedure
- State laws and rules of criminal procedure
- State laws concerning privilege and confidentiality, public benefits, education, and disabilities
- State laws and rules of professional responsibility or other relevant ethics standards
- · State laws regarding domestic violence
- State domestic relations laws

2. Avoid continuances and work to reduce delays in court proceedings unless warranted by the interests of the client.

Commentary

- [1] The Iowa Supreme Court has established that juvenile court cases take priority over all other cases with the exception of civil commitments and domestic abuse cases. *See* Iowa Supreme Court Supervisory Orders, dated December 1, 2009, and February 4, 2010.
- [2] The attorney should not request a continuance unless there is an emergency or a continuance otherwise furthers the interests of the client. If a continuance is necessary, the attorney should request the continuance in writing as far as possible in advance of the hearing and for the shortest period possible, consistent with the client's interests. The attorney should object to repeated or prolonged continuance requests by other parties if the resulting continuance would harm the client.
- [3] Delaying a case often increases the time a family is separated and can reduce the likelihood of reunification. Appearing in court often motivates parties to comply with orders and cooperate with services. When a judge actively monitors a case, services are often put in place more quickly, visitation may be increased, and other requests by the client may be granted. If a hearing is continued and the case is delayed, the client may lose momentum in addressing the issues that led to the child's removal, or the client may lose the opportunity to prove compliance with case plan goals. Additionally, the Adoption and Safe Families Act timelines continue to run despite continuances.

3. Communicate as needed with other professionals in the case to protect or advance the client's interests.

- [1] Communication with others is necessary to ensure the client is involved with key aspects of the child's life. This requires open and ongoing communication with attorneys of record, pro se litigants, and any guardian ad litem (GAL). Similarly, the attorney should communicate with the relatives, caseworker, foster parents, court appointed special advocate (CASA), and service providers to learn about the client's progress and their views of the case, as appropriate. Rules of professional ethics govern contact with represented and unrepresented parties.
- [2] The attorney should have open lines of communication with any attorneys representing the client in related matters, such as criminal, protection from abuse, private custody, or administrative proceedings to ensure that probation orders, protection from abuse orders, private custody orders, and administrative determinations do not conflict with the client's goals in the abuse and neglect case.

II. Relationship with the Client

4. Establish and maintain a working relationship with the client. Communicate with the client prior to the day of hearing and when apprised of emergencies or significant events.

Commentary

- [1] Gaining the client's trust and establishing ongoing communication are two essential aspects of representing the client. The client may feel angry and believe that all of the attorneys in the system work with the child welfare agency and against that client. The attorney must take care to distinguish the attorney from others in the system so the client can see that the attorney serves the client's interests. The attorney should be mindful that parents often feel disempowered in child welfare proceedings and should take steps to make the client feel comfortable expressing goals and wishes without fear of judgment.
- [2] The attorney should meet with the client regularly throughout the case. The meetings should occur well before the hearing, not at the courthouse just minutes before the case is called before the judge. The attorney should ask the client questions to obtain information to prepare the case, and should strive to create a comfortable environment so the client can ask the attorney questions. The attorney should use these meetings to prepare for court as well as to counsel the client concerning issues that arise during the course of the case. Information obtained from the client should be used to propel the investigation.

5. Advocate for the client's goals. Empower the client to direct the representation and make informed decisions.

Commentary

[1] Attorneys representing parents must understand the client's goals and pursue them vigorously. The attorney should explain that the attorney's job is to represent the client's interests and regularly inquire as to the client's goals, including ultimate case goals and interim goals. The attorney should explain all legal aspects of the case and provide comprehensive advice on the advantages and disadvantages of different options. At the same time, the attorney should be careful not to usurp the client's authority to decide the case goals.

6. Understand and protect the client's rights to information and decision-making while the child is placed out of the home.

- [1] Unless and until parental rights are terminated, the client has parental obligations and rights while a child is in foster care. Advocacy may be necessary to ensure the client is allowed to remain involved with key aspects of the child's life. Not only should the client's rights be protected, but continuing to exercise as much parental responsibility as possible is often an effective strategy to speed family reunification. Often a client does not understand that the client has the right to help make decisions for, or obtain information about, the child. Therefore, it is the attorney's responsibility to counsel the client and help the client understand and carry out the client's rights and responsibilities.
- [2] The attorney must explain to the client the decision-making authority that remains with the client and the authority that lies with the child welfare agency while the child is in foster care. The attorney should seek updates and reports from any service provider working with the child or the family and help the client obtain information about the child's safety, health, education, and well-being when the client desires. Where decision-making rights remain, the attorney should assist the client in exercising the client's rights to continue to make decisions regarding the child's medical, mental health, and educational services. If necessary, the attorney should intervene with the child welfare agency, provider agencies, medical providers, and the child's school to ensure the client has decision-making opportunities. This may include seeking court orders when the client has been left out of important decisions about the child's life.
- 7. Act in accordance with the duty of loyalty owed to the client while adhering to all laws and ethical obligations concerning confidentiality. Avoid potential conflicts of interest that would interfere with the competent representation of the client. Comply with all other Iowa Rules of Professional Conduct.

Commentary

- [1] Attorneys must understand and adhere to ethical obligations and all confidentiality laws, including Iowa Code chapter 232. The attorney must fully explain to the client the advantages and disadvantages of choosing to exercise, partially waive, or waive a privilege or right to confidentiality. Consistent with the client's interests and goals, the attorney must seek to protect from disclosure confidential information concerning the client.
- [2] Confidential information contained in a client's substance-related disorder treatment records, domestic violence treatment records, mental health records, or medical records is often at issue in abuse and neglect cases. Improper disclosure of confidential information early in the proceeding may have a negative impact on the manner in which the client is perceived by the other parties and the court. For this reason, it is crucial for the attorney to advise the client promptly as to the advantages and disadvantages of releasing confidential information, and for the attorney to take whatever steps necessary to protect the client's privileges or rights to confidentiality.
- [3] The attorney must not represent multiple parties if their interests differ. In most instances, attorneys should avoid representing both parents in an abuse or neglect case. In situations involving allegations of domestic violence, the attorney should never represent both parents. In the rare case in which an attorney, after careful consideration of potential conflicts, may represent both parents, it should only be with their informed consent. Even in cases in which there is no apparent conflict at the beginning of the case, conflicts may arise as the case proceeds. If this occurs, the attorney might be required to withdraw from representing one or both parents. This could be difficult for the clients and delay the case. Other examples of potential conflicts of interest that the attorney should avoid include representing multiple fathers in the same case or representing parties in a separate case who have interests adverse to the client in the current case.

8. Provide the client with all relevant contact information. Establish a system that promotes regular client-attorney contact.

Commentary

- [1] The attorney should ensure the client understands how to contact the attorney and that the attorney wants to hear from the client on an ongoing basis. The attorney should explain that even when the attorney is unavailable, the client should leave a message. The attorney must respond to client messages in a reasonable time period. The attorney and client should establish a reliable communication system that meets the client's needs. The attorney should be aware of the client's circumstances, such as whether the client has access to a telephone, and tailor the communication system to the individual client. For example, a communication system may involve telephone contact, email, or communication through a third party when the client agrees to it. Interpreters should be used when the attorney and client are not fluent in the same language.
- [2] Upon accepting an appointment, the attorney should communicate to the client the importance of staying in contact with the attorney. While the attorney must communicate as necessary with the client, and be informed of the client's wishes before a hearing, the client also must keep in contact with the attorney. At the beginning of the representation, the attorney should tell the client how to contact the attorney and discuss the importance of the client keeping the attorney informed of changes in address, phone numbers, and the client's whereabouts.

9. Communicate with the client in a manner that promotes advocacy and adequate preparation to support the client's position.

- [1] The attorney's job extends beyond the courtroom. The attorney should be a counselor as well as litigator. The attorney should be available to talk with the client to prepare for hearings and to provide advice and information about ongoing concerns. Open lines of communication between attorneys and clients help ensure clients get answers to questions and attorneys get the information and documents they need.
- [2] The attorney should be available for in-person meetings or telephone calls to answer the client's questions and address the client's concerns. The attorney and client should work together to identify and review short- and long-term goals, particularly as circumstances change during the case.

10. Take reasonable steps to communicate with incarcerated clients and to locate clients who become absent. Develop representation strategies. Establish a plan for the client's participation in case-related events.

Commentary

[1] Absent Parents

The attorney should make reasonable attempts to locate and communicate with absent parents to formulate the positions the attorney should take at hearings and to understand what information the client wishes the attorney to share with the child welfare agency and the court. If the attorney is unable to find and communicate with the client, the attorney should consider filing a motion to withdraw.

[2] Incarcerated Parents

An attorney who is appointed to represent an incarcerated parent has an ethical obligation to zealously represent that parent, even if the client is not an immediate placement option. Upon being appointed to represent an incarcerated parent, the attorney should immediately locate the parent. If the incarcerated client is serving a sentence in Iowa, the attorney can locate that parent using the Iowa Department of Corrections website for offender information. If the incarcerated parent is housed in a federal prison, the Federal Bureau of Prisons website can be used to locate the client.

The attorney must be particularly diligent when representing an incarcerated parent. The attorney must be aware of the reasons for the incarceration. If the parent is incarcerated as a result of an act against the child or another child of the parent, the court can order that reasonable efforts to reunite the family are not required. The attorney must be prepared to argue against the issuance of such an order if the client opposes it. Attorneys should counsel the client as to any effects of incarceration and know statutory and case law concerning incarceration. The attorney should help the client identify potential kinship placements and advocate for placement with parental relatives who can provide care for the child while the parent is incarcerated.

[3] Services

The attorney should assist an incarcerated client in obtaining services while incarcerated, such as substance-related disorder treatment, parenting skills, or job training. The attorney must advocate for reasonable efforts for the client and may have to assist the client and the agency caseworker in acquisition of those services. The attorney must learn about available resources and seek the support of the agency and child's attorney.

[4] Communication

The attorney should counsel an incarcerated client on the importance of maintaining regular contact with the client's child while incarcerated. The attorney should advocate for a plan that fosters communication and visitation by obtaining necessary court orders and working with the caseworker as well as the correctional facility's social worker. The attorney must find alternative ways to communicate with the incarcerated client. This may include visiting the client in prison or engaging in more extensive phone or mail contact than with other clients. The attorney should also communicate with the client's criminal defense attorney. There may be issues related to self-incrimination and timing that require coordination between cases.

[5] Appearance in Court

An incarcerated client's participation in court frequently raises issues that require the attorney's attention in advance. The attorney should find out from the client if the client wishes to participate in the hearing. If so, the attorney should make arrangements with the incarcerated client's prison counselor to have the parent appear by telephone. The attorney should explain to any client hesitant to appear that the case will proceed without the client's presence and should explain the potential consequences of that choice.

11. Communicate with and counsel the client about financial implications of the juvenile matter to promote and protect the client's interest.

Commentary

[1] It is important to have a thorough discussion with the client of the financial aspects of the juvenile case. The client is entitled to know the costs associated with services and the funding mechanism for each. For example, if the child is placed in foster care, the Foster Care Recovery Unit will be establishing a support obligation to be paid by one or both of the parents. If the child is placed in foster group care, parents are expected to reimburse all or part of the cost. If the attorney is court appointed, the client should be made aware of the requirement to repay the state for the court appointed attorney fees and expenses under Iowa Code section 815.9. The attorney should explain the work that can be billed under the court appointment, the billing rate, and when the court may start requiring reimbursement of the fees and expenses. Copies of all claims submitted to the State Public Defender for payment must be provided to the parent.

12. Investigate and consider the client's background and its impact on the case. Act in a culturally competent manner and with due regard to disabilities or unique circumstances of the client. Advocate for appropriate supportive services with the child welfare agency and court.

Commentary

- [1] The attorney should learn about and understand the client's background, determine how it impacts the client's case, and always show the client respect. The attorney must understand how cultural and socioeconomic differences affect interaction with the client, and must interpret the client's words and actions accordingly.
- [2] The child welfare system comprises a diverse group of people, including the clients and professionals involved. Each person comes to this system with the person's own set of values and expectations, but it is essential that each person try to learn about and understand the backgrounds of others. An individual's race, ethnicity, gender, sexual orientation, and socioeconomic position all have an impact on how the person acts and reacts in particular situations. The attorney must be vigilant against imposing the attorney's values onto the client, and should, instead, work with the client within the context of the client's culture and socioeconomic position. While the court and child welfare agency have expectations of parents in their treatment of children, the parent's advocate must strive to explain these expectations to the client in a sensitive way. The attorney should also try to explain how the client's background might affect the client's ability to comply with court orders and agency requests.
- [3] The attorney should ensure a formal interpreter is involved when the attorney and client are not fluent in the same language. The attorney should also advocate for the use of an interpreter when other professionals in the case who are not fluent in the same language as the client are interviewing the client.
- [4] The attorney and the client should identify barriers to the client engaging in services, such as employment, transportation, and financial issues. The attorney should work with the client, caseworker, and service provider to overcome the barriers.
- [5] The attorney should be aware of any special issues the client may have related to participating in the proposed case plan, such as difficulties in reading or language differences, and advocate with the child welfare agency and court for appropriate supportive services.
- [6] Attorneys representing parents must be able to determine whether a client's mental status, including mental illness or mental retardation, interferes with the client's ability to make decisions about the case. The attorney should be familiar with any mental health diagnosis and treatment that a client has had in the past or is undergoing, including any medications for such conditions.

III. Investigation and Court Preparation

13. Conduct an independent investigation at every stage of the proceeding as reasonable and necessary.

Commentary

[1] The attorney should seek updates and reports from any service provider working with the child or the family and should help the client obtain information about the child's safety, health, education, and well-being when the client desires.

- [2] Often, the client is the best source of information for the attorney, and the attorney should set aside time to obtain that information. Since the interview may involve disclosure of sensitive or painful information, the attorney should explain attorney-client confidentiality to the client. The attorney may need to work hard to gain the client's trust, but if a trusting relationship can be developed, the attorney will have an easier time representing the client. The investigation will be more effective if guided by the client, as the client generally knows firsthand what occurred in the case.
- [3] The attorney must take all necessary steps to prepare each case. A thorough investigation is an essential element of preparation. The attorney cannot rely solely on what the agency caseworker reports about the client. Rather, the attorney should contact service providers who work with the client, relatives who can discuss the client's care of the child, the child's teacher, or other people who can clarify information relevant to the case. If necessary, the attorney should petition the court for funds to hire an investigator.

14. Use effective discovery methods according to the Iowa Rules of Juvenile Procedure.

- [1] The attorney should ask for and review the agency case file as early during the course of representation as possible. The file contains useful documents that the attorney may not yet have and will instruct the attorney on the agency's case theory. If the agency case file is inaccurate, the attorney should seek to correct it. The attorney must read the case file periodically because the agency is continually adding information.
- [2] While an independent investigation is essential, it is also important that the attorney understands the information the agency is relying on to further its case. The case file should contain a history about the family that the client may not have shared and important reports and information about both the child and parent that the attorney must understand for hearings as well as settlement conferences. Unless the attorney also has the information the agency has, the attorney will walk into court at a disadvantage.
- [3] As part of the discovery phase, the attorney should gather all relevant documentation regarding the case that might shed light on the allegations, the service plan, and the client's strengths as a parent. The attorney should not limit the scope of discovery prematurely because information about past or present criminal, protection from abuse, private custody, or administrative proceedings involving the client can have an impact on the abuse and neglect case. The attorney should also review the following kinds of documents:
- Social service records
- Court records
- · Medical records
- · School records
- Evaluations of all types
 - [4] The attorney should obtain reports and records from service providers.
- [5] Discovery is not limited to information regarding the client, but may include records of others such as the other parent, stepparents, the child, relatives, and nonrelative caregivers. In preparing the client's case, the attorney must try to learn as much about the client and the family as possible. Various records may contradict or supplement the agency's account of events. Gathering documentation to verify the client's reports about what occurred before the child came into care and to show progress the client is making during the case is necessary to provide concrete evidence for the court. Documentation may also alert the attorney to issues the client is having that the client did not share with the attorney. The attorney may be able to intercede and assist the client with service providers, agency caseworkers, and others.
- [6] The attorney should know what information is needed to prepare the case and understand the best methods of obtaining that information. The attorney should become familiar with the pretrial requests and actions used in the jurisdiction and use whatever tools are available to obtain necessary information. When informal discovery proves inadequate, the attorney should consider the following types of formal discovery: depositions, interrogatories (including expert interrogatories), requests for

production of documents, requests for admissions, and motions for mental or physical examination of a party.

[7] The attorney, when appropriate and consistent with the client's interests and goals, should take all necessary steps to preserve and protect the client's rights by opposing discovery requests of other parties.

15. Consult with the client to develop a case theory and strategy. Explain the statutory timeline for the case.

Commentary

- [1] The attorney should spend time with the client to prepare the case and address questions and concerns. The attorney should clearly explain the allegations made against the client, what is likely to happen before, during, and after each hearing, and what steps the client can take to increase the likelihood of reuniting with the child. The attorney should explain any settlement options and determine whether the client wants the attorney to pursue such options. The attorney should explain courtroom procedures. The attorney should write to the client to ensure the client understands what happened in court and what is expected of the client.
- [2] Once the attorney has completed the initial investigation and discovery, including interviews with the client, the attorney should develop a strategy for representation. The strategy may change throughout the case, depending on the client's progress and other considerations, but the initial theory is important to assist the attorney in staying focused on the client's wishes and on what is achievable. The theory of the case should inform the attorney's preparation for hearings and arguments to the court throughout the case. It should also help the attorney decide which evidence to develop for hearings and the steps to take to move the case toward the client's ultimate goals (for example, requesting increased visitation when a client becomes engaged in services).
- [3] At the beginning of a case, the attorney and the client should develop timelines that contain deadlines and important dates and develop a tickler or calendar system to track the deadlines and dates. The timeline should specify the actions the attorney and client will need to take and the dates for completion. The attorney and the client should know when important dates will occur and should be focused on timely accomplishing the objectives in the case plan. The attorney should provide the client with a timeline or calendar outlining known and prospective court dates, service appointments, deadlines, and critical points of attorney-client contact. The attorney should record federal and state law deadlines in the system (for example, the presumptive date at which termination of parental rights can occur if the child is not in the custody of the parents).
- [4] Having a consistent calendaring system can help an attorney manage a busy caseload. Clients should receive a hard copy calendar to keep track of appointments and important dates. This helps clients stay focused on accomplishing the service plan goals and meeting court-imposed deadlines.

16. Timely file appropriate pleadings, motions, and briefs.

- [1] The attorney should make appropriate motions and evidentiary objections to advance the client's position during the hearing. If necessary, the attorney should file briefs in support of the client's position on motions and evidentiary issues. The attorney should always be aware of preserving legal issues for appeal.
- [2] It is essential the attorney understands the applicable rules of evidence and all court rules and procedures. The attorney must be willing and able to make appropriate motions, objections, and arguments (for example, objecting to the qualification of expert witnesses or raising the issue of the child welfare agency's lack of reasonable efforts). When a case presents a complicated or new legal issue, the attorney should conduct the appropriate research before appearing in court. The attorney must have a solid understanding of the relevant law and be able to present it to the judge in a compelling and convincing way. The attorney should be prepared to distinguish case law that appears to be unfavorable.
- [3] Arguments in child welfare cases are often fact-based. Nonetheless, the attorney should ground his or her arguments in statutory, regulatory, and common law. These sources of law exist in each

jurisdiction, as well as in federal law. Additionally, law from other jurisdictions can be used to sway a court in the client's favor. An attorney who has a firm grasp of the law, and who is willing to do legal research on an individual case, may have more credibility before the court. At times, competent representation requires advancing legal arguments that are not yet accepted in the jurisdiction. The attorney should be mindful to preserve issues for appellate review by making a record even if the argument is unlikely to prevail at the trial level.

17. Engage in multidisciplinary case planning and advocate for appropriate services and high quality family interaction.

- [1] The attorney must advocate for the client both in and out of court. Consistent, high quality family interaction is one of the best predictors of successful reunification between a parent and child. Often visits are arranged in settings that are uncomfortable and inhibiting for families. It is important that the attorney seek the best possible family interaction. Effort should be made to have family interaction that is unsupervised or at the lowest possible level of supervision. Families are often more comfortable when relatives, family friends, clergy, or other community members, rather than caseworkers, are recruited to supervise family interaction. The attorney should advocate for family interaction to occur in the most family-friendly locations possible, such as in the family's home, parks, libraries, restaurants, places of worship, or other community venues.
- [2] The attorney should know the social, mental health, substance-related disorder, and other treatment services that are available to parents and families in the jurisdiction in which the attorney practices so that the attorney can advocate effectively for the client to receive these services. The attorney should ask the client if the client wishes to engage in services. If so, the attorney must determine whether the client has access to the necessary services to overcome the issues that led to the case.
- [3] The services in which the client is involved must be tailored to the client's needs, and not merely hurdles over which the client must jump (for example, if the client is taking parenting classes, the classes must be relevant to the underlying issues in the case).
- [4] The attorney should advocate for an effective family interaction plan and counsel the client on the importance of regular contact with the child. Preservation of parent-child bonds through regular family interaction is essential to any reunification effort. Courts and child welfare agencies may need to be urged to develop family interaction plans that best fit the needs of the individual family. Factors to consider in family interaction plans include:
- Frequency
- · Length
- Location
- Supervision
- Types of activities
- Visit coaching—having someone at the visit who can model effective parenting skills
- [5] For a client to succeed in a child welfare case, the client must receive and cooperate with social services. It is therefore necessary that the attorney do whatever possible to obtain appropriate services for the client and then counsel the client about participating in such services. Examples of services common to child welfare cases include:
- Evaluations
- Family preservation or reunification services
- Medical and mental health care
- · Drug and alcohol treatment
- Domestic violence prevention, intervention, or treatment
- Parenting education
- Education and job training

- Housing
- · Child care
- Funds for public transportation so the client can receive services
- [6] When necessary, the attorney should seek court orders to require the child welfare agency to provide services or family interaction for the client. The attorney may need to ask the court to enforce previously entered orders if the agency did not comply with them in a reasonable period. The attorney should consider whether the child's representative (lawyer, GAL, or CASA) might be an ally on service and visitation issues. If so, the attorney should solicit the child's representative's assistance and work together in making requests to the agency and the court.

18. Effectively participate with the client in family team meetings, mediation, and other negotiations.

Commentary

- [1] A family team meeting is a voluntary process for a family involved with the Department of Human Services (department). It is designed to engage and support the family in the case planning, case management, and case closure process. A family team meeting is not an adversarial setting, and it may seem to the attorney that social work is occurring. Attorneys for parents may misunderstand the critical nature of family team meetings. The family team meeting forum is one of the most important stages of juvenile court because it is where the department develops or refines the case plan. The case plan is a key document the court will use to assess whether the client has made progress. The case plan also should be the framework for the attorney to develop the theory of the case.
- [2] The attorney should attend family team meetings and actively engage in case planning to ensure the client asks the department for and receives the needed services. The attorney should be prepared to object to the department's inclusion of services in the case plan that are beyond the client's needs. If the department continues to require services that are not tailored to the client's specific needs, the attorney must bring the issue before the court on the grounds of a lack of reasonable efforts.
- [3] The attorney should be available to accompany the client to other important meetings during a case if the client requests. Whenever possible, the attorney should engage in a dialogue with the social worker and service provider to monitor the department's perspective of the client's progress. The attorney should act as a liaison and advocate for the client with the social worker and service provider.

19. Thoroughly prepare the client in advance for all hearings, meetings, and other case events.

Commentary

- [1] The attorney must prepare for and attend all hearings. Part of that preparation is to thoroughly prepare the client in advance of the hearing. This also includes thoroughly preparing an incarcerated client in advance of hearings and other case events.
- [2] The attorney and the client must be prepared and present in court. The attorney's failure to participate in the proceedings in which all other parties are represented may disadvantage the client. Therefore, the attorney should be actively involved in this stage. Attorneys must appear for all court appearances on time. If the attorney has a conflict with another courtroom appearance, the attorney should notify the court and other parties and request a short continuance. In a substantive hearing, the attorney should avoid having another attorney stand in to represent the client, especially if the other attorney is unfamiliar with the client or case.

20. Identify, locate, and prepare necessary lay and expert witnesses. Prepare for cross-examination and, when permissible, interview those witnesses.

Commentary

[1] The attorney must be able to present witnesses effectively to advance the client's position. Witnesses must be prepared in advance, and the attorney should know the evidence that will be presented through the witnesses. The attorney must also be skilled at cross-examining opposing

parties' witnesses. The attorney must know how to offer documents, photos, and physical objects into evidence.

- [2] At each hearing, the attorney should keep the case theory in mind; advocate for the child to return home and for appropriate services, if that is the client's position; and request that the court state its expectations of all parties.
- [3] Becoming a strong courtroom attorney takes practice and attention to detail. The attorney must be sure to learn the rules on presenting witnesses, impeaching testimony, and entering evidence. The attorney should seek out training in trial skills and observe more experienced trial attorneys to learn from them. Even if the attorney is more seasoned, effective direct and cross-examination require careful preparation. The attorney must know the relevant records well enough to be able to impeach adverse witnesses and bring out in both direct and cross-examinations any information that would support the client's position. Attorneys who are not as experienced may wish to consult with other experienced attorneys about complex cases. Presenting and cross-examining witnesses are skills with which the attorney must be comfortable.
- [4] The attorney, in consultation with the client, should develop a witness list well before a hearing. The attorney should not assume the agency will call a witness, even if the witness is named on the agency's witness list. The attorney should, when possible, contact the potential witnesses to determine if they can provide helpful testimony.
- [5] When appropriate, witnesses should be informed that a subpoena is on its way. The attorney should also ensure the subpoena is served. The attorney should subpoena potential agency witnesses (for example, a previous caseworker) who have favorable information about the client.
- [6] The attorney should set aside time before the hearing to fully prepare all witnesses in person. The attorney should remind the witnesses about the court date.
- [7] Preparation is the key to successfully resolving a case, either in negotiation or trial. The attorney should plan as early as possible for the case and make arrangements accordingly. Witnesses may have direct knowledge of the allegations against the client. They may be service providers working with the client or individuals from the community who can testify generally about the family's strengths.
- [8] When appropriate, the attorney should consider working with other parties who share the client's position (such as the child's representative) when creating a witness list, issuing subpoenas, and preparing witnesses. Doctors, nurses, teachers, therapists, and other potential witnesses have busy schedules and need advance warning about the date and time of the hearing.
- [9] Witnesses are often nervous about testifying in court. The attorney should prepare them thoroughly so they feel comfortable with the process. Preparation may include rehearsing the specific questions that will be asked on direct examination and anticipating the questions that might arise on cross-examination. The attorney should provide written questions for those witnesses who need them.
- [10] Often a case requires multiple experts in different roles, such as experts in medicine, mental health treatment, drug and alcohol treatment, or social work. Experts may be needed for ongoing case consultation in addition to providing testimony at trial. The attorney should consider whether the opposing party is calling expert witnesses and determine whether the client needs to call any experts.
- [11] When expert testimony is required, the attorney should identify the qualified experts and seek necessary funds to retain them in a timely manner. The attorney should subpoena the witnesses, giving them as much advance notice of the court date as possible. As is true for all witnesses, the attorney should spend as much time as possible preparing the expert witnesses for the hearing. The attorney should be competent in qualifying expert witnesses.
- 21. Review court orders to ensure accuracy and clarity. Review orders with the client. Take reasonable steps to ensure the client complies with court orders.

Commentary

[1] The client may be angry about being involved in the child welfare system, and a court order that is not in the client's favor could add stress and frustration. It is essential that the attorney take time,

either immediately after the hearing or at a meeting soon after the court date, to discuss the hearing and the outcome with the client.

[2] After the hearing, the attorney should review the written order to ensure it reflects the court's oral order, if any. If the order is incorrect, the attorney should take the necessary steps to correct it. The attorney should provide the client with a copy of the order and should review the order with the client to ensure the client understands it. If the client is unhappy with the order, the attorney should counsel the client about options for appeal or to request rehearing on the order, but the attorney should explain that the order is in effect unless a stay or other relief is secured. The attorney should counsel the client on the potential consequences of failing to comply with a court order.

22. Continually evaluate whether the case should be reviewed by the court prior to the next scheduled hearing date to ensure case progress.

Commentary

- [1] The attorney should play an active role in assisting the client in complying with court orders, obtaining family interaction, and securing other necessary services. The attorney should speak with the client regularly about progress and any difficulties the client is encountering while trying to comply with the court order or service plan.
- [2] If the client is attempting to comply with the order and case plan but another party, such as the department or a contracted provider, is not meeting the party's responsibilities, the attorney should approach the other party and seek assistance on behalf of the client.
- [3] When the department is not offering appropriate services to meet the needs of the client to promote reunification, the attorney should first request the department in writing to provide the needed services to the client. If the department still does not provide reasonable efforts to preserve and unify the family or make it possible for the child to return home safely, the attorney should consider filing a motion alleging the department is not making reasonable efforts and request the case immediately be brought back to court to litigate this issue. *See* Iowa Code section 232.102(12)—Reasonable Efforts.
 - 23. Timely file reasonable and necessary post-hearing motions.

IV. Appeal

24. Consider and discuss appeal options and deadlines with the client.

Commentary

[1] The attorney should inform the client of appeal rights and the expedited appellate deadlines in juvenile cases. The attorney should counsel the client on the likelihood of a successful appeal and the potential consequences of an appeal. The attorney should always litigate the case and preserve the record with the assumption there may be a subsequent appeal.

25. Timely file appeal documents if the client decides to appeal. Adhere to the Iowa Rules of Appellate Procedure.

Commentary

[1] The attorney shall carefully review obligations under the Iowa Rules of Appellate Procedure and timely file all paperwork. A summary follows:

Notice of appeal. A notice of appeal must be filed within 15 days of the date of the order and signed by the attorney *and* the client. Iowa Rs. App. P. 6.101(1) and 6.102(1)(*a*), *see* Form 4 in rule 6.1401. The notice shall be served upon all counsel of record, all unrepresented parties, the attorney general, and the clerk of the supreme court pursuant to Iowa Rules of Civil Procedure 1.442(2) and 1.442(7). The notice of appeal shall include a certificate of service in the form provided in rule 1.442(7).

Notice of cross appeal. A notice of cross appeal must be filed within the 15-day limit for filing a notice of appeal, or within 10 days after filing of the notice of appeal, whichever is later. Iowa R. App. P. 6.101(2)(a).

Petition on appeal. The protocol for a juvenile appeal under Iowa Code chapter 232 differs somewhat from other appeals. Unless a petition on appeal is filed, the juvenile appeal will be dismissed. Iowa Rs. App. P. 6.102(1)(b) and 6.201(1) & (2); see Form 5 in rule 6.1401. Ensure all

necessary attachments are included, a certificate of service is included, and the petition is served in the same manner as the notice of appeal. Iowa R. App. P. 6.201(1). If the petition is not served within 15 days after filing the notice of appeal, the appeal will be dismissed with no recourse. Iowa R. App. P. 6.201(2). Extensions will most likely not be granted, as the rules explicitly state, "The time for filing a petition on appeal shall not be extended." Iowa R. App. P. 6.201(1)(b).

Response to petition on appeal. A response to a petition on appeal is optional unless a notice of cross-appeal was filed. Iowa R. App. P. 6.202(1). Similar to the petition on appeal, careful attention should be paid to the rules with regard to notice, service, length, form (including acceptable font and number of pages), the number of copies to be served, and cover. See Form 6 in Iowa R. App. P. 6.1401.

Reply to issues raised in cross appeal. A reply to the cross-appeal issues must be filed within 7 days after service of the Appellee's response. Iowa R. App. P. 6.203.

Filing fee. Within 7 days after filing the notice of appeal, the appellant shall pay the filing fee as provided in Iowa Rule of Appellate Procedure 6.702(1) or request a waiver or deferral of the fee pursuant to rule 6.702(2).

Ordering transcript. Within 7 days after filing the notice of appeal, the appellant shall use a combined certificate to order a transcript from the court reporter. Iowa Rs. App. P. 6.803(1) and 6.804; see Form 2 in rule 6.1401.

Transmission of record. Within 30 days of the filing of the notice of appeal, the appellant shall request the clerk of the district court to transmit the record to the clerk of the supreme court. Iowa R. App. P. 6.204. In Iowa Code chapter 232 cases, the court reporter then has 30 days to file the transcript. Iowa R. App. P. 6.803(3)(b).

Disposition of appeal. After reviewing the petition on appeal, any response, any reply, and the record, the appellate court may affirm or reverse, remand, or set the case for full briefing as directed by the court. Iowa Rs. App. P. 6.205(1) and 6.902(1)(d). If the court of appeals affirms or reverses the court's order, or remands the case, further review pursuant to Iowa Rule of Appellate Procedure 6.1103 may be sought. The court of appeals' refusal to grant full briefing shall not constitute grounds for further review by the supreme court. Iowa R. App. P. 6.205(2).

- [2] The petition on appeal should clearly, concisely, and comprehensively state the material relevant facts, legal issues, and supporting legal authority as they relate to the issues presented for appeal. The petition should present all relevant case law and present the best legal arguments available in state and federal law for the client's position. The petition should include novel legal arguments if there is a chance of developing favorable law in support of the client's claim.
- [3] The attorney shall keep the client informed of the status of the appeal. The client should be informed of the date, time, and place scheduled for oral argument of the appeal.

26. Timely review ruling and discuss its implications with the client.

Commentary

[1] The attorney shall communicate the result of the appeal and its implications immediately upon learning of the decision, so the client does not find out from another source, and the attorney shall provide the client with a copy of the appellate decision.

27. Consider and discuss further review options.

Commentary

[1] If the court of appeals affirms or reverses the court's order, or remands the case, further review pursuant to Iowa Rule of Appellate Procedure 6.1103 may be sought. The court of appeals' refusal to grant full briefing shall not constitute grounds for further review by the supreme court. Iowa R. App. P. 6.205(2).

[Court Order August 28, 2018]

CHAPTER 62 IOWA STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING CHILDREN IN CUSTODY CASES

I. Introduction

II. Scope and Definitions

- A. Scope
- B. Definitions

III. Duties of All Lawyers for Children

- A. Accepting appointment
- B. Lawyer's roles
- C. Independence
- D. Limited appointments
- E. Initial tasks
- F. Meeting with the child
- G. Pretrial responsibilities
- H. Hearings
- I. Appeals
- J. Enforcement
- K. End of representation

IV. Child's Attorneys

- A. Ethics and confidentiality
- B. Informing and counseling the client
- C. Client decisions
- D. Appeals
- E. Obligations after initial disposition
- F. End of representation

V. Guardians ad Litem

- A. Ethics
- B. Confidentiality
- C. Explaining role to child
- D. Investigations
- E. Advocating the child's best interests
- F. Appeals

VI. Training

CHAPTER 62 IOWA STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING CHILDREN IN CUSTODY CASES

I. Introduction

- [1] Children deserve to have custody proceedings conducted in the manner least harmful to them and most likely to provide judges with the facts needed to decide the case. The Iowa Standards of Practice for Lawyers Representing Children in Custody Cases (Standards) are a model for good practice and consistency in the appointment and performance of lawyers representing children in Iowa custody cases.
- [2] These Standards distinguish two distinct types of lawyers for children: (1) the Child's Attorney, who provides independent legal representation in a traditional attorney-client relationship, giving the child a strong voice in the proceedings; and (2) the Guardian ad Litem, who as a lawyer independently investigates, assesses, and advocates the child's best interests. While some courts in the past have appointed a lawyer, often called a Guardian ad Litem, to report or testify on the child's best interests and related information, this is not a lawyer's role under these Standards.
- [3] These Standards seek to keep the best interests of children at the center of the court's attention and to build public confidence in a just and fair court system that works to promote the best interests of children. These Standards promote quality control, professionalism, clarity, uniformity, and predictability. They require that: (1) all participants in a case know the duties, powers, and limitations of the appointed role; and (2) lawyers have sufficient training, qualifications, compensation, time, and authority to do their jobs properly with the support and cooperation of the courts and other institutions.
- [4] These Standards do not add obligations to the Iowa Rules of Professional Conduct, but like the comments to those rules, they provide guidance to attorneys representing children in custody cases for practicing in compliance with the rules. In the event of any conflict between these Standards and a Rule of Professional Conduct, the requirements of the rule take precedence.

II. Scope and Definitions

A. Scope

These Standards apply to the appointment and performance of lawyers serving as advocates for children or their interests in any case where temporary or permanent legal custody, physical custody, parenting plans, parenting time, access, or visitation are adjudicated, including but not limited to divorce, custody, domestic violence, contested adoptions, and contested private guardianship cases.

B. Definitions

- 1. "Child's Attorney": A lawyer who provides independent legal counsel for a child, and who owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.
- 2. "Guardian ad Litem": A lawyer who provides independent legal services for the purpose of protecting a child's best interests without being bound by the child's directives or objectives.

- [1] A lawyer should be either a Child's Attorney or a Guardian ad Litem, not both. The duties common to both roles are found in Part III of these Standards. The unique duties of each are described separately in Parts IV and V. The essential distinction between the two lawyer roles is that the Guardian ad Litem investigates and advocates the best interests of the child as a lawyer in the litigation, while the Child's Attorney is a lawyer who represents the child as a client. Neither kind of lawyer is a witness. Form should follow function in deciding which kind of lawyer to appoint. The role and duties of the lawyer should be tailored to the reasons for the appointment and the needs of the child.
- [2] The role of "Guardian ad Litem" has become muddled through different usages in different states, with varying connotations. It is a venerable legal concept that has often been stretched beyond

recognition to serve fundamentally new functions, such as parenting coordinator, referee, facilitator, arbitrator, evaluator, mediator, and advocate. Asking one Guardian ad Litem to perform several roles at once, to be all things to all people, is a messy, ineffective expedient. A court seeking expert or lay opinion testimony, written reports, or other nontraditional services should appoint an individual for that purpose, such as a Child and Family Reporter (CFR), and make clear that that person is not serving as a lawyer and is not a party. This person can be either a nonlawyer or a lawyer who chooses to serve in a volunteer nonlawyer capacity.

III. Duties of All Lawyers for Children

In addition to their general ethical duties as lawyers and the specific duties set out in Parts IV and V, Child's Attorneys and Guardians ad Litem also have the duties outlined in this section.

A. Accepting appointment

The lawyer should accept an appointment only with a full understanding of the issues and functions to be performed. If the appointed lawyer considers parts of the appointment order confusing or incompatible with the lawyer's ethical duties, the lawyer should (1) decline the appointment, or (2) inform the court of the conflict and ask the court to clarify or change the terms of the order, or (3) both.

B. Lawyer's roles

A lawyer appointed as a Child's Attorney or Guardian ad Litem should not play any other role in the case and should not testify, file a report, or make recommendations except as ordered by the court when appointed in cases under Iowa Code chapter 600, 600A, or both.

Commentary

- [1] Neither a Child's Attorney nor a Guardian ad Litem should be a witness, which means that the lawyer should not be cross-examined and more importantly should not testify or make a written or oral report or recommendation to the court but instead should offer traditional evidence-based legal arguments just as any other lawyer would. However, explaining what result a client wants, or proffering what one hopes to prove, is not testifying; those are things all lawyers do.
- [2] If these Standards are properly applied, it will not be possible for courts to make a dual appointment, but there may be cases in which such an appointment was made before these Standards were adopted. The Child's Attorney role involves a confidential relationship with privileged communications. Because the child has a right to confidentiality and advocacy of the child's position, the Child's Attorney can never abandon this role while remaining involved in the case in any way. Once a lawyer has an attorney-client relationship with a child, the lawyer cannot and should not assume any other role for the child, especially as Guardian ad Litem or witness or CFR who investigates and makes a report.

C. Independence

The lawyer should be independent from the court and other participants in the litigation and unprejudiced and uncompromised in the lawyer's independent action. The lawyer has the right and the responsibility to exercise independent professional judgment in carrying out the duties the court assigns and to participate in the case as fully and freely as a lawyer for a party.

Commentary

[1] The lawyer should not prejudge the case. A lawyer may receive payment from a court, a government entity, or even from a parent, relative, or other adult so long as the lawyer retains the full authority for independent action.

D. Limited appointments

The court may limit a lawyer's appointment to a specific issue and direct the lawyer accordingly.

E. Initial tasks

Immediately after being appointed, the lawyer should review the file. The lawyer should inform other parties or counsel of the appointment and that as counsel of record the lawyer

should receive copies of pleadings, discovery exchanges, and reasonable notification of hearings and of major changes of circumstances affecting the child.

F. Meeting with the child

The lawyer should meet with the child, adapting all communications to the child's age, level of education, cognitive development, cultural background, and degree of language acquisition, using an interpreter if necessary. The lawyer should inform the child about the court system, the proceedings, and the lawyer's responsibilities. The lawyer should elicit and assess the child's views.

Commentary

- [1] Establishing and maintaining a relationship with a child is the foundation of representation. Competent representation requires a child-centered approach and developmentally appropriate communication. All appointed lawyers should meet with the child and focus on the needs and circumstances of the individual child. Even nonverbal children can reveal much about their needs and interests through their behaviors and developmental levels. Meeting with the child also allows the lawyer to assess the child's circumstances, often leading to a greater understanding of the case, which may lead to creative solutions in the child's interest.
- [2] The nature of the legal proceeding or issue should be explained to the child in a developmentally appropriate manner. The lawyer must speak clearly, precisely, and in terms the child can understand. A child may not understand legal terminology. Also, because of a particular child's developmental limitations, the lawyer may not completely understand what the child says. Therefore, the lawyer must learn how to ask developmentally appropriate, nonsuggestive questions and how to interpret the child's responses. The lawyer may work with social workers or other professionals to assess a child's developmental abilities and to facilitate communication.
- [3] While the lawyer should always take the child's point of view into account, caution should be used because the child's stated views and desires may vary over time or may be the result of fear, intimidation, or manipulation. Lawyers may need to collaborate with other professionals to gain a full understanding of the child's needs and wishes.

G. Pretrial responsibilities

The lawyer should:

- 1. Conduct thorough, continuing, and independent discovery and investigations.
- 2. Develop a theory and strategy of the case to implement at hearings, including presentation of factual and legal issues.
- 3. Stay apprised of other court proceedings affecting the child, the parties, and other household members.
 - 4. Attend meetings involving issues within the scope of the appointment.
 - 5. Take any necessary and appropriate action to expedite the proceedings.
- 6. Participate in, and when appropriate, initiate negotiations and mediation. The lawyer should clarify, when necessary, that the lawyer is not acting as a mediator. A lawyer who participates in a mediation should be bound by the confidentiality and privilege rules governing the mediation.
 - 7. Participate in depositions, pretrial conferences, and hearings.
 - 8. File or make petitions, motions, responses, or objections when necessary.
- 9. Where appropriate, within a lawyer's area of competency and not prohibited by law, request authority from the court to pursue issues on behalf of the child, administratively or judicially, even if those issues do not specifically arise from the court appointment.

Commentary

- [1] The lawyer should investigate the facts of the case to get a sense of the people involved and the real issues in the case, just as any other lawyer would. Guardians ad Litem have additional investigation duties described in Standard V.D.
- [2] By attending relevant meetings, the lawyer can present the child's perspective, gather information, and sometimes help negotiate a full or partial settlement. The lawyer may not need to attend if another person involved in the case, such as a social worker, can obtain information or present the child's perspective, or when the meeting will not be materially relevant to any issues in the case.
- [3] The lawyer is in a pivotal position in negotiations. The lawyer should attempt to resolve the case in the least adversarial manner possible, considering whether therapeutic intervention, parenting or co-parenting education, mediation, or other dispute resolution methods are appropriate. The lawyer may effectively assist negotiations of the parties and their lawyers by focusing on the needs of the child, including where appropriate the impact of domestic violence. Settlement frequently obtains at least short-term relief for all parties involved and is often the best way to resolve a case. The lawyer's role is to advocate the child's interests and point of view in the negotiation process. If a party is legally represented, it is unethical for a lawyer to negotiate with the party directly without the consent of the party's lawyer.
- [4] The lawyer should file any appropriate pleadings on behalf of the child, including responses to the pleadings of other parties, to ensure that appropriate issues are properly before the court and expedite the court's consideration of issues important to the child's interests. Where available under state law or court rules or by permission of the court, relief requested may include, but is not limited to: (1) a mental or physical examination of a party or the child; (2) a parenting, custody, or visitation evaluation; (3) an increase, decrease, or termination of parenting time; (4) services for the child or family; (5) contempt for noncompliance with a court order; (6) a protective order concerning the child's privileged communications; and (7) dismissal of petitions or motions.
- [5] The child's interests may be served through proceedings not connected with the case in which the lawyer is participating. For example, issues to be addressed may include: (1) child support; (2) delinquency or status offender matters; (3) Supplemental Security Income and other public benefits access; (4) mental health proceedings; (5) visitation, access, or parenting time with parents, siblings, or third parties; (6) paternity; (7) personal injury actions; (8) school or education issues, especially for a child with disabilities; (9) guardianship; (10) termination of parental rights; (11) adoption; and (12) a protective order concerning the child's tangible or intangible property.

H. Hearings

The lawyer should participate actively in all hearings and conferences with the court on issues within the scope of the appointment. Specifically, the lawyer should:

- 1. Introduce herself or himself to the court as the Child's Attorney or Guardian ad Litem at the beginning of any hearing.
- 2. Make appropriate motions, including motions in limine and evidentiary objections, file briefs, and preserve issues for appeal, as appropriate.
 - 3. Present and cross-examine witnesses and offer exhibits as necessary.
- 4. If a child is to meet with the judge or testify, prepare the child, familiarizing the child with the places, people, procedures, and questioning that the child will be exposed to, and seek to minimize any harm to the child from the process.
- 5. Seek to ensure that questions to the child are phrased in a syntactically and linguistically appropriate manner and that testimony is presented in a manner that is admissible.
- 6. Where appropriate, introduce evidence and make arguments on the child's competency to testify or the reliability of the child's testimony or out-of-court statements. The lawyer should be familiar with the current law and empirical knowledge about children's competency, memory, and suggestibility.

- 7. Make a closing argument, proposing specific findings of fact and conclusions of law.
- 8. Ensure that a written order is made and that it conforms to the court's oral rulings and statutorily required findings and notices.

Commentary

- [1] Although the lawyer's position may overlap with the position of one or more parties, the lawyer should be prepared to participate fully in any proceedings and not merely defer to the other parties. The lawyer should address the child's interests, describe the issues from the child's perspective, keep the case focused on the child's needs, discuss the effect of various dispositions on the child, and, when appropriate, present creative alternative solutions to the court.
- [2] A brief formal introduction should not be omitted, because in order to make an informed decision on the merits, the court must be mindful of the lawyer's exact role, with its specific duties and constraints. Even though the appointment order states the nature of the appointment, judges should be reminded at each hearing which role the lawyer is playing.
- [3] The lawyer's preparation of the child should include attention to the child's developmental needs and abilities. The lawyer should also prepare the child for the possibility that the judge may render a decision against the child's wishes, explaining that such a result would not be the child's fault.
- [4] If the child does not wish to testify or would be harmed by testifying, the lawyer should seek a stipulation of the parties not to call the child as a witness or should seek a protective order from the court. The lawyer should seek to minimize adverse consequences by seeking any appropriate accommodations permitted by law so that the child's views are presented to the court in the manner least harmful to the child, such as having the testimony taken informally in chambers without the parents present. The lawyer should seek any necessary assistance from the court, including location of the testimony, determination of who will be present, and restrictions on the manner and phrasing of questions posed to the child. The child should be told beforehand whether in-chambers testimony will be shared with others, such as parents who might be excluded from chambers.
- [5] Questions to the child should be phrased consistently with the law and research regarding children's competency, memory, and suggestibility. The information a child gives is often misleading, especially if adults have not understood how to ask children developmentally appropriate questions and how to interpret their answers properly. The lawyer must become skilled at recognizing the child's developmental limitations. It may be appropriate to present expert testimony on the issue or have an expert present when a young child is directly involved in the litigation to point out any developmentally inappropriate phrasing of questions.
- [6] The competency issue may arise in the unusual circumstance of the child being called as a live witness, as well as when the child's input is sought by other means such as in-chambers meetings, closed-circuit television testimony, etc. Iowa has no presumptive ages of competency; rather, courts engage in more flexible, case-by-case analyses. Competency to testify involves the abilities to perceive and relate. If necessary and appropriate, the lawyer should present expert testimony to establish competency or reliability or to rehabilitate any impeachment of the child on those bases.

I. Appeals

- 1. If an appeal on behalf of the child is permitted by state law, and if it has been decided pursuant to Standard IV.D or V.F that such an appeal is necessary, the lawyer should take all steps necessary to perfect the appeal and seek appropriate temporary orders or extraordinary writs necessary to protect the interests of the child during the pendency of the appeal. *See* Iowa Rule of Appellate Procedure 6.109(4).
- 2. The lawyer should participate in any appeal filed by another party concerning issues relevant to the child and within the scope of the appointment, unless discharged.
 - 3. When the appeals court's decision is received, the lawyer should explain it to the child.

Commentary

- [1] The lawyer should take a position in any appeal filed by a party, consistent with the other provisions in these Standards. If the child's interests are affected by the issues raised in the appeal, the lawyer should seek an appointment on appeal or seek appointment of appellate counsel.
- [2] As with other court decisions, the lawyer should explain in terms the child can understand the nature and consequences of the appeals court's decision, whether there are further appellate remedies, and what more, if anything, will be done in the trial court following the decision.

J. Enforcement

The lawyer should monitor the implementation of the court's orders and address any noncompliance.

K. End of representation

When the representation ends, the lawyer should inform the child in a developmentally appropriate manner.

IV. Child's Attorneys

- A. Ethics and confidentiality
- 1. Child's Attorneys are bound by Iowa's ethics rules in all matters.
- 2. A Child's Attorney appointed to represent two or more children should remain alert to the possibility of a conflict that could require the lawyer to decline representation or withdraw from representing all of the children.

Commentary

- [1] The child is an individual with independent views. To ensure that the child's independent voice is heard, the Child's Attorney should advocate the child's articulated position, and owes traditional duties to the child as client, subject to Iowa Rules of Professional Conduct 32:1.2(a) and 32:1.14.
- [2] The Iowa Rules of Professional Conduct impose a broad duty of confidentiality concerning all "information relating to the representation of a client," but they also modify the traditional exceptions to confidentiality. Under rule 32:1.6, a lawyer may reveal information without the client's informed consent "to the extent the lawyer reasonably believes necessary . . . to prevent reasonably certain death or substantial bodily harm," or "to comply with other law or a court order," or when "the disclosure is impliedly authorized in order to carry out the representation." Also, according to rule 32:1.14(c), "the lawyer is impliedly authorized under rule 32:1.6 to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests" when acting under rule 32:1.14 to protect a client with "diminished capacity" who "is at risk of substantial physical, financial, or other harm."
- [3] Iowa Rule of Professional Conduct 32:1.7 provides that "a lawyer shall not represent a client if . . . the representation of one client will be directly adverse to another client . . ." Some diversity between siblings' views and priorities does not pose a direct conflict. But when two siblings aim to achieve fundamentally incompatible outcomes in the case as a whole, they are "directly adverse." Comment [8] to rule 32:1.7 states that "a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend, or carry out an appropriate course of action for the client will be materially limited [A] lawyer asked to represent several individuals . . . is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's duty of loyalty to the others. . . . The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client."

B. Informing and counseling the client

In a developmentally appropriate manner, the Child's Attorney should:

- 1. Meet with the child upon appointment, before court hearings, when apprised of emergencies or significant events affecting the child and at other times as needed to gain the child's trust and establish a rapport with the child.
 - 2. Explain to the child what is expected to happen before, during, and after each hearing.
- 3. Advise the child and provide guidance, communicating in a way that maximizes the child's ability to direct the representation.
 - 4. Discuss each substantive order and its consequences with the child.

- [1] Meeting with the child is important before court hearings and case reviews. Such in-person meetings allow the lawyer to explain to the child what is happening, what alternatives might be available, and what will happen next.
- [2] The Child's Attorney has an obligation to explain clearly, precisely, and in terms the child can understand, the meaning and consequences of the child's choices. A child may not understand the implications of a particular course of action. The lawyer has a duty to explain in a developmentally appropriate way such information as will assist the child in having maximum input in decision-making. The lawyer should inform the child of the relevant facts and applicable laws and the ramifications of taking various positions, which may include the impact of such decisions on other family members or on future legal proceedings. The lawyer may express an opinion concerning the likelihood of the court or other parties accepting particular positions. The lawyer may inform the child of an expert's recommendations germane to the issue.
- [3] As in any other attorney-client relationship, the lawyer may express the lawyer's assessment of the case, the best position for the child to take, and the reasons underlying such recommendation, and the lawyer may counsel against the pursuit of particular goals sought by the client. However, a child may agree with the lawyer for inappropriate reasons. A lawyer must remain aware of the power dynamics inherent in adult-child relationships, recognize that the child may be more susceptible to intimidation and manipulation than some adult clients, and strive to detect and neutralize those factors. The lawyer should carefully choose the best time to express the lawyer's assessment of the case. The lawyer needs to understand what the child knows and what factors are influencing the child's decision. The lawyer should attempt to determine from the child's opinion and reasoning what factors have been most influential or have been confusing or glided over by the child.
- [4] The Child's Attorney has dual fiduciary duties to the child that must be balanced. On the one hand, the lawyer has a duty to ensure that the child is given the information necessary to make an informed decision, including advice and guidance. On the other hand, the lawyer has a duty not to overbear the will of the child. While the lawyer may attempt to persuade the child to accept a particular position, the lawyer may not advocate a position contrary to the child's expressed position except as provided by the applicable ethical standards.
- [5] Consistent with the rules of confidentiality and with sensitivity to the child's privacy, the lawyer should consult with the child's therapist and other experts and obtain appropriate records. For example, a child's therapist may help the child to understand why an expressed position is dangerous, foolish, or not in the child's best interests. The therapist might also assist the lawyer in understanding the child's perspective, priorities, and individual needs. Similarly, significant persons in the child's life may educate the lawyer about the child's needs, priorities, and previous experiences.
- [6] As developmentally appropriate, the Child's Attorney should consult the child prior to any settlement becoming binding.
- [7] The child is entitled to understand what the court has done and what that means to the child, at least with respect to those portions of the order that directly affect the child. Children sometimes assume that orders are final and not subject to change. Therefore, the lawyer should explain whether the order may be modified at another hearing, or whether the actions of the parties may affect how the order is carried out.

C. Client decisions

The Child's Attorney should abide by the child's decisions about the objectives of the representation with respect to each issue on which the child is competent to direct the lawyer and does so. The Child's Attorney should pursue the child's expressed objectives unless the child requests otherwise and follow the child's direction throughout the case.

Commentary

- [1] The child is entitled to determine the overall objectives to be pursued. The Child's Attorney may make certain decisions about the manner of achieving those objectives, particularly on procedural matters, as any adult's lawyer would. These Standards do not require the lawyer to consult with the child on matters that would not require consultation with an adult client, or to discuss with the child issues for which the child's developmental limitations make it not feasible to obtain the child's direction, as with an infant or preverbal child.
- 1. The Child's Attorney should make a separate determination whether the child has "diminished capacity" pursuant to Iowa Rule of Professional Conduct 32:1.14 with respect to each issue for which the child is called upon to direct the representation.

Commentary

- [1] These Standards do not presume that children of certain ages are "impaired," "disabled," "incompetent," or lack capacity to determine their position in litigation. Disability is contextual, incremental, and may be intermittent. The child's ability to contribute to a determination of the child's position is functional, depending upon the particular position and the circumstances prevailing at the time the position must be determined. Therefore, a child may be able to determine some positions in the case but not others. Similarly, a child may be able to direct the lawyer with respect to a particular issue at one time but not at another.
- 2. If the child does not express objectives of representation, the Child's Attorney should make a good faith effort to determine the child's wishes and advocate according to those wishes as if the child had expressed them. If a child does not or will not express objectives regarding a particular issue or issues, the Child's Attorney should determine and advocate the child's legal interests or request the appointment of a Guardian ad Litem.

- [1] There are circumstances in which a child is unable to express any positions, as in the case of a preverbal child. Under such circumstances, the Child's Attorney should represent the child's legal interests or request appointment of a Guardian ad Litem. "Legal interests" are distinct from "best interests" and from the child's objectives. Legal interests are interests of the child that are specifically recognized in law and that can be protected through the courts. A child's legal interests could include, for example, depending on the nature of the case: a special needs child's right to appropriate educational, medical, or mental health services; helping assure that children needing residential placement are placed in the least restrictive setting consistent with their needs; a child's child support, governmental, and other financial benefits; visitation with siblings, family members, or others the child wishes to maintain contact with; and a child's due process or other procedural rights.
- [2] The child's failure to express a position is different from being unable to do so and from directing the lawyer not to take a position on certain issues. The child may have no opinion with respect to a particular issue or may delegate the decision-making authority. The child may not want to assume the responsibility of expressing a position because of loyalty conflicts or the desire not to hurt one of the parties. In that case, the lawyer is free to pursue the objective that appears to be in the client's legal interests based on information the lawyer has and positions the child has already expressed. A position chosen by the lawyer should not contradict or undermine other issues about which the child has expressed a viewpoint. However, before reaching that point the lawyer should clarify with the child whether the child wants the lawyer to take a position, remain silent with respect to that issue, or express a point of view only if the party is out of the room. The lawyer is then bound by the child's directive.
- 3. If the Child's Attorney determines that pursuing the child's expressed objective would put the child at risk of substantial physical, financial, or other harm, and is not merely contrary to

STANDARDS FOR REPRESENTING CHILDREN IN CUSTODY CASES

the lawyer's opinion of the child's interests, the lawyer may request appointment of a separate Guardian ad Litem and continue to represent the child's expressed position, unless the child's position is prohibited by law or without any factual foundation. The Child's Attorney should not reveal the reason for the request for a Guardian ad Litem, which would compromise the child's position, unless such disclosure is authorized by the applicable ethics rule on confidentiality.

Commentary

- [1] One of the most difficult ethical issues for lawyers representing children occurs when the child is able to express a position and does so, but the lawyer believes that the position chosen is wholly inappropriate or could result in serious injury to the child. This is particularly likely to happen with respect to an abused child whose home is unsafe, but who desires to remain or return home. A child may desire to live in a dangerous situation because it is all the child knows, because of a feeling of blame or of responsibility to take care of a parent, or because of threats or other reasons to fear the parent. The child may choose to deal with a known situation rather than risk the unknown.
- [2] It should be remembered in this context that the lawyer is bound to pursue the client's objectives only through means permitted by law and ethical rules. The lawyer may be subject personally to sanctions for taking positions that are not well grounded in fact and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.
- [3] In most cases the ethical conflict involved in asserting a position that would seriously endanger the child, especially by disclosure of privileged information, can be resolved through the lawyer's counseling function, if the lawyer has taken the time to establish rapport with the child and gain the child's trust. While the lawyer should be careful not to apply undue pressure to the child, the lawyer's advice and guidance can often persuade the child to change a dangerous or imprudent position or at least identify alternative choices in case the court denies the child's first choice.
- [4] If the child cannot be persuaded, the lawyer has a duty to safeguard the child's interests by requesting appointment of a Guardian ad Litem. As a practical matter, this may not adequately protect the child if the danger to the child was revealed only in a confidential disclosure to the lawyer, because the Guardian ad Litem may never learn of the disclosed danger.
- [5] Iowa Rule of Professional Conduct 32:1.14 provides that "when the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken, and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action" and "the lawyer is impliedly authorized under rule 32:1.6 to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests."
- [6] If there is a substantial danger of serious injury or death, the lawyer must take the minimum steps necessary to ensure the child's safety, respecting and following the child's direction to the greatest extent possible consistent with the child's safety and ethical rules.
- 4. The Child's Attorney should discuss with the child whether to ask the judge to meet with the child and whether to call the child as a witness. The decision should include consideration of the child's needs and desires to do either of these, any potential repercussions of such a decision or harm to the child from testifying or being involved in the case, the necessity of the child's direct testimony, the availability of other evidence or hearsay exceptions that may substitute for direct testimony by the child, and the child's developmental ability to provide direct testimony and withstand cross-examination. Ultimately, the Child's Attorney is bound by the child's direction concerning testifying.

Commentary

[1] Decisions about the child testifying should be made individually based on the circumstances. If the child has a therapist, the Child's Attorney should consult the therapist about the decision and for help in preparing the child. In the absence of compelling reasons, a child who has a strong desire to testify should be called to do so.

D. Appeals

If an appeal on behalf of the child is permitted, the Child's Attorney should consider and discuss with the child, as developmentally appropriate, the possibility of an appeal. If the child, after consultation, wishes to appeal the order, and the appeal has merit, the Child's Attorney should appeal. If the Child's Attorney determines that an appeal would be frivolous or that the Child's Attorney lacks the expertise necessary to handle the appeal, the Child's Attorney should notify the court and seek to be discharged or replaced.

Commentary

[1] The Child's Attorney should explain not only any legal possibility of an appeal, but also the ramifications of filing an appeal, including delaying conclusion of the case, and what will happen pending a final decision.

E. Obligations after initial disposition

The Child's Attorney should perform, or when discharged, seek to ensure, continued representation of the child at all further hearings, including at administrative or judicial actions that result in changes to the child's placement or services, so long as the court maintains its jurisdiction.

Commentary

[1] Representing a child continually presents new tasks and challenges due to the passage of time and the changing needs of the child. The Child's Attorney should stay in touch with the child, the parties or their counsel, and any other caretakers, case workers, and service providers throughout the term of appointment to attempt to ensure that the child's needs are met and that the case moves quickly to an appropriate resolution.

F. End of representation

The Child's Attorney should discuss the end of the legal representation with the child, what contacts, if any, the Child's Attorney and the child will continue to have, and how the child can obtain assistance in the future if necessary.

V. Guardians ad Litem

A. Ethics

Guardians ad Litem are bound by Iowa's ethics rules in all matters except as dictated by the absence of a traditional attorney-client relationship with the child and the particular requirements of their appointed tasks. Even outside of an attorney-client relationship, all lawyers have certain ethical duties toward the court, parties in a case, the justice system, and the public.

Commentary

[1] Siblings with conflicting views do not pose a conflict of interest for a Guardian ad Litem, because such a lawyer is not bound to advocate a client's objective. A Guardian ad Litem in such a case should report the relevant views of all the children in accordance with Standard V.E.3, and advocate the children's best interests in accordance with Standard V.E.1.

B. Confidentiality

A child's communications with the Guardian ad Litem are subject to Iowa's ethics rules on attorney-client confidentiality, except that the lawyer may also use the child's confidences for the purposes of the representation without disclosing them.

Commentary

[1] Iowa Rule of Professional Conduct 32:1.6(a) bars any release of information except for disclosures that are "impliedly authorized in order to carry out the representation." Under rule 32:1.6, a lawyer may reveal confidences "to prevent reasonably certain death or substantial bodily harm," "to comply with other law or a court order," or for other named reasons. As for communications that are not subject to disclosure under these or other applicable ethics rules, a Guardian ad Litem may

STANDARDS FOR REPRESENTING CHILDREN IN CUSTODY CASES

use the communications to further the child's best interests without disclosing them. An example of this distinction is if a child tells the lawyer that a parent takes drugs: the lawyer may seek and present other evidence of the drug use, but may not reveal that the initial information came from the child. For more discussion of exceptions to confidentiality, see the Commentary to Standard IV.A.

C. Explaining role to the child

In a developmentally appropriate manner, the Guardian ad Litem should explain to the child that the Guardian ad Litem will (1) investigate and advocate the child's best interests, (2) investigate the child's views relating to the case and will report them to the court unless the child requests that they not be reported, and (3) use information from the child for those purposes, but (4) not necessarily advocate what the child wants as a lawyer for a client would.

D. Investigations

The Guardian ad Litem should conduct thorough, continuing, and independent investigations, including:

- 1. Reviewing any court files of the child and of siblings who are minors or are still in the home, potentially relevant court files of parties and other household members, and case-related records of any social service agency and other service providers.
- 2. Reviewing the child's social services records, if any, mental health records (except as otherwise provided in Standard VI.A.3), drug and alcohol-related records, medical records, law enforcement records, school records, and other records relevant to the case.
- 3. Contacting lawyers for the parties, and nonlawyer representatives or court-appointed special advocates (CASAs).
 - 4. Contacting and meeting with the parties with permission of their lawyers.
- 5. Interviewing individuals significantly involved with the child, who may in the Guardian ad Litem's discretion include, if appropriate, case workers, caretakers, neighbors, relatives, school personnel, coaches, clergy, mental health professionals, physicians, law enforcement officers, and other potential witnesses.
- 6. Reviewing the relevant evidence personally, rather than relying on other parties' or counsel's descriptions and characterizations of it.
- 7. Staying apprised of other court proceedings affecting the child, the parties, and other household members.

Commentary

- [1] Relevant files to review include those concerning child protective services, developmental disabilities, juvenile delinquency, mental health, and educational agencies. These records can provide a more complete context for the current problems of the child and family. Information in the files may suggest additional professionals and lay witnesses who should be contacted.
- [2] Though courts should order automatic access to records, the Guardian ad Litem may still need to use subpoenas or other discovery or motion procedures to obtain the relevant records, especially those pertaining to the parties.
- [3] Meetings with the child and all parties are among the most important elements of a competent investigation. However, there may be a few cases where a party's lawyer will not allow the Guardian ad Litem to communicate with the party. Iowa Rule of Professional Conduct 32:4.2 prohibits such contact without consent of the party's lawyer. In some such cases, the Guardian ad Litem may be able to obtain permission for a meeting with the party's lawyer present. When the party has no lawyer, rule 32:4.3 allows contact but requires reasonable efforts to correct any apparent misunderstanding of the Guardian ad Litem's role.
- [4] The parties' lawyers may have information not included in any of the available records. They can provide information on their clients' perspectives.

E. Advocating the child's best interests

- 1. Any assessment of, or argument on, the child's best interests should be based on objective criteria as set forth in the law related to the purposes of the proceedings.
- 2. Guardians ad Litem should bring to the attention of the court any facts that when considered in context seriously call into question the advisability of any agreed settlement.
- 3. At hearings on custody or parenting time, Guardians ad Litem should present the child's expressed desires (if any) to the court, except for those that the child expressly does not want presented.

Commentary

- [1] Determining a child's best interests is a matter of gathering and weighing evidence, reaching factual conclusions, and then applying legal standards to those interests. Factors in determining a child's interests are generally stated in Iowa's statutes and case law, and Guardians ad Litem must be familiar with these factors and how courts apply them. A child's desires are usually one of many factors in deciding custody and parenting time, and the weight given the desires varies with age and circumstances.
- [2] A Guardian ad Litem is functioning in a nontraditional role by determining the position to be advocated independently of the client. The Guardian ad Litem should base this determination on objective criteria concerning the child's needs and interests and not merely on the Guardian ad Litem's personal values, philosophies, and experiences. A best-interests case should be based on Iowa's governing statute and case law, or a good-faith argument for modification of case law. The Guardian ad Litem should not use any other theory, doctrine, model, technique, ideology, or personal rule without explicitly arguing for it in terms of governing law or the best interests of the child. The trier of fact needs to understand any such theory in order to make an informed decision in the case.
- [3] The Guardian ad Litem must consider the child's individual needs. The child's various needs and interests may be in conflict and must be weighed against each other. The child's developmental level, including the child's sense of time, is relevant to an assessment of needs. The lawyer may seek the advice and consultation of experts and other knowledgeable people in determining and weighing such needs and interests.
- [4] As a general rule Guardians ad Litem should encourage, not undermine, settlements. However, in unusual cases where the Guardian ad Litem reasonably believes the settlement would endanger the child and the court would not approve the settlement were it aware of certain facts, the Guardian ad Litem should bring those facts to the court's attention. This should not be done by ex parte communication. The Guardian ad Litem should ordinarily discuss the Guardian ad Litem's concerns with the parties and counsel in an attempt to change the settlement before involving the judge.

F. Appeals

If an appeal on behalf of the child is permitted, the Guardian ad Litem should appeal when the Guardian ad Litem believes that (1) the trial court's decision is significantly detrimental to the child's welfare, (2) an appeal could be successful considering the law, the standard of review, and the evidence that can be presented to the appellate court, and (3) the probability and degree of benefit to the child outweighs the probability and degree of detriment to the child from extending the litigation and expense that the parties will undergo. See Iowa R. App. P. 6.109(4).

VI. Training

Training for lawyers representing children in custody cases should cover:

- 1. Relevant state and federal laws, agency regulations, court decisions, and court rules.
- 2. The legal standards applicable in each kind of case in which the lawyer may be appointed, including child custody and visitation law.
 - 3. Applicable representation guidelines and standards.

STANDARDS FOR REPRESENTING CHILDREN IN CUSTODY CASES

- 4. The court process and key personnel in child-related litigation, including custody evaluations and mediation.
 - 5. Children's development, needs, and abilities at different ages.
 - 6. Communicating with children.
- 7. Preparing and presenting a child's viewpoints, including child testimony and alternatives to direct testimony.
 - 8. Recognizing, evaluating, and understanding evidence of child abuse and neglect.
 - 9. Family dynamics and dysfunction, domestic violence, and substance abuse.
- 10. The multidisciplinary input required in child-related cases, including information on local experts who can provide evaluation, consultation, and testimony.
- 11. Available services for child welfare, family preservation, medical care, mental health, education, and special needs, including placement, evaluation and diagnostic, and treatment services, and provisions and constraints related to agency payment for services.
- 12. Basic information about state and federal laws and treaties on child custody jurisdiction, enforcement, and child abduction.

Commentary

- [1] Courts, bar associations, and other organizations should sponsor, fund, and participate in training. They should also offer advanced and new-developments training and provide mentors for lawyers who are new to child representation. Training in custody law is especially important because not everyone seeking to represent children will have a family law background. Lawyers must be trained to distinguish between the different kinds of cases in which they may be appointed and the different legal standards to be applied.
- [2] Training should address the impact of spousal or domestic partner violence on custody and parenting time and any statutes or case law regarding how allegations or findings of domestic violence should affect custody or parenting time determinations. Training should also sensitize lawyers to the dangers that domestic violence victims and their children face in attempting to flee abusive situations and how that may affect custody awards to victims.

[Court Order August 28, 2018]

CHAPTER 63 IOWA STANDARDS OF PRACTICE FOR CHILD AND FAMILY REPORTERS IN CHILD CUSTODY CASES

I. Introduction

II. Role of a Child and Family Reporter

- A. The CFR gathers and reports factual data to the court
- B. The CFR must remain impartial and avoid conflicts of interest
- C. The CFR does not act as an attorney or advocate
- D. The CFR must not serve dual or multiple roles
- E. Payment of the CFR's fees is governed by the court's order of appointment

III. Duties of the Child and Family Reporter

- A. The CFR acts pursuant to the court's order of appointment
- B. The CFR includes all parties in communications with the court or another party
- C. The CFR conducts an appropriate investigation
- D. The CFR preserves confidentiality
- E. The CFR seeks to preserve the safety of all participants in the process
- F. The CFR may include recommendations pursuant to the appointment order

IV. CFR Reports and Records

- A. The CFR prepares a clear, concise, and timely report for the court, the parties, and the parties' counsel
- B. The CFR and the court maintain the confidentiality of the CFR report and files
- C. The CFR as a witness

CHAPTER 63 IOWA STANDARDS OF PRACTICE FOR CHILD AND FAMILY REPORTERS IN CHILD CUSTODY CASES

I. Introduction

- [1] A Child and Family Reporter (CFR) is appointed by the court to gather and report factual information in cases involving the care and custody of minor children and other matters bearing on the interests or rights of children under Iowa Code chapters 598 and 600B. A CFR report provides a brief assessment of home conditions, parenting capabilities, and other matters pertinent to the best interests of the child. The court may appoint an attorney, a mental health professional, or another individual whom the court believes is able to carry out the CFR role.
- [2] The purpose of these standards is to provide guidance for CFRs, to promote uniformity, consistency, and accountability in CFR reports; to promote respect for the rights of parties and their children; and to improve custody, visitation, and other outcomes for children.
- [3] These standards do not add obligations to the Iowa Rules of Professional Conduct, but like the comments to those rules, they provide guidance to those serving as CFRs in custody cases for practicing in compliance with the CFRs professional ethical obligations and rules of professional conduct. In the event of any conflict between these standards and a rule of professional conduct for attorneys, the requirements of the rule take precedence.

II. Role of a Child and Family Reporter

A. The CFR gathers and reports factual data to the court.

Commentary

[1] The role of the CFR is to gather and report factual information that will assist the court in making custody, visitation, or other decisions related to the welfare of a child. Unless the appointing judge specifies otherwise, the CFR role is limited to gathering and reporting information to the court. The CFR may include recommendations in the report only if the court's appointment order authorizes inclusion of such recommendations.

B. The CFR must remain impartial and avoid conflicts of interest.

Commentary

- [1] The CFR must approach all family members and parties with an attitude of respect and openness in order to hear their account of the relevant facts regardless of any allegations that have been made. The CFR must not engage in conduct manifesting bias or prejudice based on race, religion, ethnicity, disability, age, socioeconomic status, marital status, or sexual orientation against a party, witness, counsel, or other person involved in a case.
- [2] The CFR must decline or withdraw from an appointment if the CFR has a conflict of interest, information, or personal relationship that could influence the process or outcome of the investigation. If the CFR has any prior or existing direct or indirect relationship with the parties, their families, their attorneys, material witnesses, or someone else connected with the family, the CFR must consider whether the CFR's impartiality is compromised because of the relationship. The CFR must decline the appointment if:
- 1. The CFR (or the CFR's law firm) previously advised or acted as counsel for a party, child, or other person closely aligned to a party (such as a spouse or nonmarital partner), or a material witness;
- 2. The CFR has provided counseling or other services to a child, a party, another member of the family, or a material witness; or
- 3. The CFR has or had a family relationship or other close personal relationship (including an intimate or dating relationship) with a party, a member of the party's family, a material witness, or counsel of record.

C. The CFR does not act as an attorney or advocate.

Commentary

[1] The CFR serves as an objective and even-handed reporter. The CFR must not provide legal advice or act as an advocate or attorney for the child. The CFR does not conduct depositions or engage in direct or cross-examination of witnesses and does not file motions except as related to performance of the CFR's responsibilities. For example, a CFR might file a motion seeking access to an individual, regarding fees or seeking an additional evaluation, but should not file motions related to the substance of the proceedings. If called as a witness, the CFR may be subject to direct or cross-examination by both parties. The CFR refers the parties to their attorneys for legal advice.

D. The CFR must not serve dual or multiple roles.

Commentary

- [1] The CFR must not provide legal, mental health, mediation, or other professional services to any party or the child during the investigation and pendency of the case.
- [2] The CFR may not later accept an appointment as an attorney for a child or guardian ad litem in the same case or the same family. The CFR may accept the separate role of parenting coordinator or arbitrator after all of the CFR's duties are completed and after the court has terminated the CFR appointment, but only with the written, informed consent of all parties.

E. Payment of the CFR's fees is governed by the court's order of appointment.

Commentary

[1] The court's appointment order allocates responsibility for payment of the CFR's fees based on a fixed fee or stated hourly rates. If the appointment order specifies a presumptive maximum, the CFR may not exceed this fee cap without securing permission from the court.

III. Duties of the Child and Family Reporter

A. The CFR acts pursuant to the court's order of appointment.

Commentary

- [1] Upon appointment, the CFR should review the court's order of appointment and ask for clarification or modification of the order when necessary. If the order would require the CFR to act beyond the scope of the CFR's competence or perform multiple contradictory roles, the CFR should inform the court. Any issues regarding time needed to complete a report or arrangements for payment of fees should be addressed immediately upon notice of appointment and before beginning any work on the case. If any conflicts or other issues cannot be resolved, the CFR should decline the appointment or request removal from the case.
- [2] The CFR appointment terminates at the time specified in the court's order but in no event later than entry of permanent orders or the post-decree order resolving the issue for which the appointment was made.

B. The CFR includes all parties in communications with the court or another party.

Commentary

- [1] If the CFR needs to communicate with the court during the course of the appointment, communication should be carried out in writing with copies to the parties and their counsel, or by conference call, or at a status conference or court hearing. If the children are represented by an attorney or guardian ad litem, that individual should be treated as counsel for purposes of these communications.
- [2] If the CFR sends a substantive written communication to one party or counsel, the CFR must send a copy of the communication to the opposing party or counsel and any representative of the child. The CFR must send copies of any documents the CFR files with the court to counsel of record and self-represented parties.

C. The CFR conducts an appropriate investigation.

Commentary

- [1] The CFR may investigate only those areas the court has specified in its order of appointment and may not broaden the scope of investigation without obtaining authority from the court in advance. The CFR may not perform a clinical assessment, conduct psychological testing, or conduct drug and alcohol or other evaluations unless specifically ordered by the court. If the CFR believes other evaluations would benefit the parties or the child and assist the court, the CFR should provide this information to the court as soon as possible.
- [2] At the outset of the investigation, the CFR should invite all counsel and parties to provide relevant information and documents and a list of witnesses and professionals who can provide relevant information. When possible, the CFR accesses original sources of information and uses multiple sources to investigate any disputed events or facts. The CFR should spend sufficient time interviewing parties and investigating their concerns to gather relevant information to respond to the court's inquiry. The CFR decides whether to conduct home visits, and if no home visits are conducted, the CFR should explain this decision in the CFR's report.
- [3] As part of the investigation, the CFR must meet with the child and allow an opportunity for the child to provide information about the child and the child's family. The CFR should communicate with the child in an age-appropriate manner and consider the child's views and wishes. When appropriate, the CFR should observe the child with each parent or party.
- [4] In meeting with the parties and the child, the CFR should explain the CFR role, the purpose of the investigation, and how the information the CFR collects will be reported to the court. A party may request to have counsel present during an interview, but the CFR controls the interview and conducts the questioning. The CFR should arrange for a qualified interpreter if a party or the child is not completely comfortable or fluent using the English language.

D. The CFR preserves confidentiality.

Commentary

- [1] Information gathered by the CFR is confidential. The CFR may not disclose information about the parties, the child, or the services rendered by the CFR to any person who is not a party or counsel in the case except as necessary to gather information and complete the investigation and report, or to perform responsibilities related to the court's order of appointment. This prohibition is permanent and includes any writing, lectures, or other media communication by the CFR.
- [2] Before obtaining privileged or confidential information about the parties or the children, the CFR must obtain appropriate release forms or court orders. Some third parties or providers may be unaware of the protections that apply to confidential information relating to the parties or the child, but the CFR may only review information after appropriate releases or orders have been provided. If a privilege is not properly waived, a judge may allow a motion to strike reference to the information from the CFR report.

E. The CFR seeks to preserve the safety of all participants in the process.

Commentary

- [1] The CFR should inquire at the outset of the investigation about any safety risks related to the investigation for the parties, the child, or others because of any party's mental illness, substance abuse, domestic violence, child abuse, or history of violence against others. The CFR should attempt to conduct the investigation in such a manner as to avoid likely harm to the child, a party, the CFR, or others.
- [2] When the CFR suspects or knows that a child is being neglected or abused, the CFR may take appropriate steps to inform law enforcement or the department of human services and must comply with all mandatory professional reporting requirements.

F. The CFR may include recommendations pursuant to the appointment order.

Commentary

[1] If the court's order of appointment authorizes it, the CFR may make recommendations regarding services, parenting schedules, or other matters as directed by the court.

IV. CFR Reports and Records

A. The CFR prepares a clear, concise, and timely report for the court, the parties, and the parties' counsel.

Commentary

- [1] The CFR must present the results of the CFR's investigation in a written report to the court with copies delivered to the parties and their counsel. The report sets forth the information the CFR obtained in the course of the investigation. Any recommendations the court requests based on the facts collected should be confined to a separate section at the conclusion of the CFR's report.
- [2] The CFR's report should include information about the CFR's investigation process, identifying the persons interviewed and the records reviewed. The report should be as factual and detailed as possible, as well as accurate, objective, and unbiased. The report should clearly identify the sources of all information included. If a party has failed to or refused to participate or provide information, the report should disclose this fact.
- [3] The CFR must retain any notes, records, documents, recordings, or other material gathered or created during the investigation so that these materials are available for discovery, trial, appeal, and remand of the case.

B. The CFR and the court maintain the confidentiality of the CFR's report and files.

Commentary

- [1] The CFR's report and underlying materials are considered sealed and not open to inspection except with consent of the court. The CFR must maintain the confidentiality of the CFR's file and report and disclose these only to the parties and their counsel or pursuant to court order.
- [2] After the CFR's report has been filed and prior to any scheduled hearing in the case, upon request of the parties or their counsel, the CFR must make copies of the CFR's file and any information underlying the report available to the parties and their counsel. This includes disclosure of the names and addresses of all persons the CFR has consulted, CFR notes, and witness statements. However, if the CFR believes that release of any particular information would endanger any person's welfare, the CFR should inform counsel and the court and await further order from the court before releasing the information in question.

C. The CFR as a witness.

Commentary

[1] Pursuant to Iowa Code section 598.12B(2) (2017), the CFR's report must be submitted to the court and available to all parties. The CFR's report will be a part of the record unless the court otherwise orders. Any party may call the CFR as a witness. If called as a witness, the CFR may be cross-examined concerning the report.

[Court Order August 28, 2018]