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CHAPTER 15 IOWA RULES OF REMOTE PROCEDURE

DIVISION I SCOPE AND APPLICABILITY

Rule 15.101 Scope and applicability. The rules in this chapter govern all remote and hybrid court proceedings unless another rule specifies otherwise or unless a statute provides different procedures for certain courts or cases.

Rule 15.102 In-person proceeding presumption. Except as provided by statute or the rules of this chapter, all court proceedings are presumed to be held in person.

DIVISION II DEFINITIONS

Rule 15.201 Definitions. In this chapter:

15.201(1) Participant. “Participant” means judges, attorneys, parties, witnesses, court reporters, victims as defined by Iowa Code section 915.10(3), and any other persons who may have an active role in a court proceeding.

15.201(2) In-person appearance. “In-person appearance” means participating in a court proceeding by being physically present in the courtroom.

15.201(3) In-person proceeding. “In-person proceeding” means a court proceeding in which all participants are physically present in the courtroom.

15.201(4) Remote appearance. “Remote appearance” means participating in a court proceeding using an Iowa Judicial Branch approved communications service.

15.201(5) Remote proceeding. “Remote proceeding” means a court proceeding in which all participants appear using an Iowa Judicial Branch approved communications service.

15.201(6) Hybrid proceeding. “Hybrid proceeding” means a court proceeding in which one or more but fewer than all participants appear using an Iowa Judicial Branch approved communications service and others are physically present in the courtroom.

DIVISION III GENERAL PROVISIONS

Rule 15.301 Remote proceeding requirements.

15.301(1) Remote proceeding decorum. The inherent power of the court to regulate the courtroom applies to remote and hybrid proceedings. Participants and persons observing remotely must conduct themselves as if they were in the courtroom in person.

15.301(2) Judge’s location for remote and hybrid proceedings. A judge may participate in a proceeding by remote appearance subject to the requirements of Iowa Code section 602.6105.

15.301(3) Iowa Judicial Branch Remote Proceedings Toolkits. Participants in remote or hybrid proceedings must comply with directives contained in the Iowa Judicial Branch Remote Proceeding Toolkits, available from the Iowa Judicial Branch website at www.iowacourts.gov.

15.301(4) Represented party’s in-person attendance. If a represented party appears in person at a proceeding, the party’s attorney must also appear in person at the proceeding unless the party consents to the attorney’s remote appearance or unless the court finds good cause exists for the attorney to appear remotely.

Rule 15.302 Motion for remote, hybrid, or in-person appearance or proceeding.

15.302(1) Motions for remote, hybrid, or in-person appearance or proceeding. Any party may request by motion to appear remotely at a proceeding or to appear in person at a previously ordered remote or hybrid proceeding. Any party may also request by motion that an entire proceeding be conducted remotely or that a previously ordered remote or hybrid proceeding be conducted in person.

15.302(2) Contents of the motion. The motion must include specific grounds supporting the party's request. It must also certify that the filer of the motion has in good faith communicated or attempted to communicate with all other affected parties to determine whether the motion is unresisted, that such communication was not feasible under the circumstances, or that such communication is prohibited by prior court order.

15.302(3) On court's own motion. The court on its own motion may order that one or more participants appear remotely or in person.

15.302(4) Court's consideration of motion. In ruling on a motion under rule 15.302, the court must on a case-by-case basis consider the following factors:

- a. Ability of participants to appear remotely and fully participate in the proceeding.
- b. Timeliness of the motion and resistance, if any, including whether there is sufficient time to provide all parties with reasonable notice of the court's decision.
- c. Case type and type of court proceeding.
- d. The court's schedule.
- e. Number and location of participants and anticipated length of proceeding.
- f. Complexity of legal and factual issues.
- g. Whether the proceeding requires a formal record or whether any party has requested the proceeding to be reported.
- h. Nature and amount of evidence to be submitted during the proceeding.
- i. Agreement among or objection by parties.
- j. Parties' and nonparty participants' English proficiency or need for interpreter or translator assistance.
- k. Whether use of remote or hybrid technology will undermine the dignity, solemnity, decorum, integrity, fairness, or effectiveness of the proceeding.
- l. A participant's previous abuse of a method of appearance.
- m. Public access to the proceeding and potential increase in access to the courts.
- n. Any other factor or combination of factors that establishes good cause to grant or deny the motion.

15.302(5) Court's consideration of motion in criminal proceedings. In ruling on a 15.302 motion in criminal proceedings, the court must also consider the factors in Division IV of this chapter.

15.302(6) Court's consideration of motion in juvenile proceedings. In ruling on a 15.302 motion in juvenile proceedings, the court must also consider the factors in Division V of this chapter.

15.302(7) Court's consideration of motion in family law proceedings. In ruling on a rule 15.302 motion in family law proceedings, the court must also consider the factors in Division VI of this chapter.

15.302(8) Court's order.

- a. The court must consider a rule 15.302 motion based on the filings and without a hearing unless the court finds good cause for holding a hearing on the motion.
- b. If the court permits or requires a participant to appear remotely, the court must provide reasonable notice of the remote or hybrid proceeding.
- c. If the court permits or requires a participant to appear remotely or determines that the entire proceeding will be held remotely, the court must include in its order:
 - (1) A list of all participants permitted or directed to appear remotely if the proceeding will be a hybrid proceeding.
 - (2) Instructions for joining the remote proceeding.

15.302(9) Public access.

- a. If the court orders a public proceeding to be held remotely, the proceeding remains open to the public.
- b. If a proceeding open to the public is held as a hybrid proceeding, members of the public who wish to view the proceeding may do so in person, and the court may permit members of the public to view the proceeding remotely.
- c. Participants may not share with any member of the public the means to participate in a remote or hybrid proceeding that is closed to the public.

**DIVISION IV
CRIMINAL PROCEEDINGS**

Rule 15.401 Criminal proceedings generally. The rules in this division apply to all criminal proceedings.

Rule 15.402 Defendant request to be excused from remote appearance. A defendant may file a request to be excused from appearing remotely for a proceeding or the entirety of the case if the defendant will not be able to participate remotely. A request must state with specificity why the defendant is unable to participate remotely. If granted, the defendant must appear in person subject to Iowa Rule of Criminal Procedure 2.27.

Rule 15.403 Defendant's attorney's in-person attendance. If the defendant is appearing in person at a guilty plea, trial, or sentencing proceeding, the defendant's attorney must also appear in person.

Rule 15.404 Specific criminal proceedings.

15.404(1) Defendant's appearance. In all criminal proceedings, the defendant must appear as required by Iowa Rule of Criminal Procedure 2.27.

15.404(2) Trial and sentencing. Trial and sentencing must occur pursuant to Iowa Rules of Criminal Procedure 2.17 and 2.27.

15.404(3) In-person proceedings. The following proceedings are presumed to be in person:

- a. Arraignment.
- b. Pretrial conference.
- c. Status conference.
- d. Case conference.
- e. Guilty plea.
- f. Restitution hearing.

15.404(4) Proceedings where testimony is not expected. Except as provided by rules 15.404(2)–(3), proceedings where testimony is not expected are presumed to be remote.

Rule 15.405 Court's consideration of rule 15.302 motion in criminal proceedings.

15.405(1) Waiver required. If a participant has a constitutional or statutory right to an in-person proceeding, the proceeding must occur in person unless the participant has waived any such right.

15.405(2) Additional factors. In ruling on a rule 15.302 motion, the court must also consider the following factors:

- a. Whether the defendant has a constitutional or statutory right requiring any other participant to appear in person.
- b. Whether the defendant has waived speedy trial.
- c. Whether the court has excused the defendant from remote participation.

DIVISION V JUVENILE PROCEEDINGS

Rule 15.501 Juvenile proceedings generally. The rules in this division apply to all juvenile proceedings.

Rule 15.502 Delinquency adjudication. Delinquency adjudication must occur in person.

Rule 15.503 Court's consideration of rule 15.302 motion in juvenile proceedings.

15.503(1) In-person preference. In ruling on a rule 15.302 motion, the court should favor conducting the following proceedings in person:

- a. Contested or evidentiary proceeding.
- b. Removal hearing.
- c. Child in need of assistance adjudication.
- d. Disposition hearing.
- e. Permanency hearing.
- f. Detention hearing.
- g. Modification hearing.
- h. Termination of parental rights hearing.

15.503(2) Remote proceeding preference. In ruling on a rule 15.302 motion, the court should favor conducting the following proceedings remotely:

- a. Uncontested hearing.
- b. Detention hearing in which the juvenile has waived in-person appearance.
- c. Review hearing.
- d. Status conference.

15.503(3) Additional factors. In ruling on a rule 15.302 motion, the court must also consider the following factors:

- a. Location of any out-of-home placement of the juvenile.
- b. Availability and location of families.
- c. Safety of any person.
- d. The juvenile's preference.
- e. Whether the juvenile has a constitutional or statutory right to an in-person proceeding or in-person appearance.

DIVISION VI FAMILY LAW PROCEEDINGS

Rule 15.601 Family law proceedings generally. The rules in this division apply to all family law proceedings.

Rule 15.602 Court's consideration of rule 15.302 motion in family law proceedings. In ruling on a rule 15.302 motion, the court should favor conducting a contested or evidentiary proceeding in person.