

CHAPTER 136  
PARENTAL RIGHTS TERMINATED

H. F. 153

AN ACT making a technical correction to the chapter on termination of parental rights.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section six hundred A point five (600A.5), subsection three (3), paragraph c, Code 1979, is amended to read as follows:

c. A plain statement of the facts and grounds in section 600A.8, subsections one (1) through four (4), which indicate that the parent-child relationship should be terminated.

Sec. 2. This Act is effective on January first following its enactment.

Approved April 26, 1979

CHAPTER 137  
SENIOR JUDGE SYSTEM

S.F. 70

AN ACT to establish a senior judge system.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section six hundred five point twenty-seven (605.27), subsection one (1), Code 1979, is amended to read as follows:

1. Retire a district associate judge, a district judge, a judge of the court of appeals, ~~or~~ a judge of the supreme court or a senior judge for permanent physical or mental disability which substantially interferes with the performance of his or her judicial duties.

Sec. 2. Chapter six hundred five A (605A), Code 1979, is amended by adding sections three (3) through eleven (11) of this Act as new sections.

Sec. 3. NEW SECTION. SHORT TITLE. Sections three (3) through eleven (11) of this Act may be cited and referred to as the Iowa senior judge Act.

Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Senior judge" means a supreme court judge, court of appeals judge, district court judge or district associate judge who meets the requirements of section five (5) of this Act and who has not been retired or removed from the roster of senior judges under section nine (9) or ten (10) of this Act.

2. "Retired senior judge" means a senior judge who has been retired from a senior judgeship as provided in section nine (9) of this Act.

3. "Roster of senior judges" means the roster maintained by the clerk of the supreme court under section five (5), subsection three (3) of this Act.

4. "Twelve-month period" means each successive one-year period commencing on the date a retired judge becomes a senior judge and while the judge continues to be a senior judge.

Sec. 5. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

1. A supreme court judge, court of appeals judge, district judge or district associate judge, who qualifies under subsection two (2) of this section, may become a senior judge by filing with the clerk of the supreme court a written election in the form specified by the court administrator. The election shall be filed not later than the date of retirement.

2. A judicial officer referred to in subsection one (1) of this section qualifies for a senior judgeship if he or she meets all of the following requirements:

a. Retires from office on or after July 1, 1977, whether or not he or she is of mandatory retirement age.

b. Meets the minimum requirements for entitlement to an annuity as specified in section six hundred five A point six (605A.6) of the Code.

c. Agrees in writing on a form prescribed by the court administrator to be available as long as he or she is a senior judge to perform judicial duties as assigned by the supreme court for an aggregate period of thirteen weeks out of each successive twelve-month period.

d. Submits evidence to the satisfaction of the supreme court that as of the date of retirement he or she does not suffer from a permanent physical or mental disability which would substantially interfere with the performance of duties agreed to under paragraph c of this subsection.

3. The clerk of the supreme court shall maintain a book entitled "Roster of Senior Judges", and shall enter in the book the name of each judicial officer who files a timely election under subsection one (1) of this section and qualifies under subsection two (2) of this section. A person shall be a senior judge upon entry of the person's name in the roster of senior judges and until the person becomes a retired senior judge as provided in section nine (9) of this Act, or until the person's name is stricken from the roster of senior judges as provided in section ten (10) of this Act, or until the person dies.

4. The supreme court shall cause each senior judge on the roster to actually perform judicial duties during each successive twelve-month period.

5. A judicial officer referred to in subsection one (1) of this section who retired from office on or after the date specified in subsection two (2) of this section and before the effective date of this Act may become a senior judge by filing with the clerk of court not later than thirty days after the effective date of this Act a written election in the form specified by the court administrator. If prior to the effective date of this Act the judicial officer filed an election to practice law under section six hundred five point twenty-five (605.25) of the Code, the filing of an election under this subsection revokes the election to practice law, and the judicial officer

shall divest himself or herself of any interest in the practice of law within ninety days after the effective date of this Act. For purposes of subsection two (2), paragraph d, of this section only, the date of retirement of a judicial officer who files an election under the authority of this subsection shall be deemed to be the effective date of this Act.

Sec. 6. NEW SECTION. ANNUITY OF SENIOR JUDGE AND RETIRED SENIOR JUDGE. A senior judge or a retired senior judge shall not be paid a salary. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section six hundred five A point nine (605A.9) of the Code, but computed under this section in lieu of section six hundred five A point seven (605A.7) of the Code, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the current base salary, as of the time each payment is made, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under chapter six hundred five A (605A) of the Code, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of such current base salary.

Sec. 7. NEW SECTION. PRACTICE OF LAW PROHIBITED. A senior judge shall not practice law.

Sec. 8. NEW SECTION. TEMPORARY SERVICE BY SENIOR JUDGE. Section six hundred five point twenty-five (605.25) of the Code does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, he or she may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with his or her consent. A senior judge shall not be assigned to judicial duties on a court superior to the highest court to which he or she was appointed prior to retirement, and shall not be assigned to the court of appeals or the supreme court except to serve in the temporary absence of a member of that court. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which he or she is assigned, shall continue to be paid his or her annuity as senior judge, shall be reimbursed for his or her actual expenses to the extent expenses of a district judge are reimbursable under section six hundred five point two (605.2) of the Code, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

1. A senior judge also shall be available to serve in the capacity of administrative hearing officer under chapter seventeen A (17A) of the Code upon the request of an agency, and the supreme court may assign a senior

judge for temporary duties as a hearing officer. A senior judge shall not be required to serve a period of time as a hearing officer which, when added to the period of time being served by the person as a judge, if any, would exceed the maximum period of time the person agreed to serve pursuant to section five (5), subsection two (2), of this Act.

Sec. 9. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which he or she attains seventy-eight years of age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

2. A senior judge is subject to retirement under sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for the causes specified in section six hundred five point twenty-seven (605.27), subsection one (1) of the Code. A senior judge may request and be granted retirement in the manner provided in section six hundred five A point twelve (605A.12) of the Code. When a senior judge is retired as provided in this subsection the clerk of the supreme court shall make a notation of the retirement of the senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

Sec. 10. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

1. A senior judge, at any time prior to the end of the twelve-month period during which he or she attains seventy-eight years of age, may submit to the clerk of the supreme court a written request that his or her name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section six hundred five point twenty-five (605.25) of the Code.

2. A senior judge is subject to removal under the provisions of sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for any of the causes specified in section six hundred five point twenty-seven (605.27), subsection two (2) of the Code. When a person is removed from a senior judgeship as provided in this subsection the clerk of the supreme court shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge.

3. A person who relinquishes a senior judgeship in the manner provided in subsection one (1) of this section or who is removed as provided in subsection two (2) of this section shall be paid a retirement annuity in an amount determined according to section six hundred five A point seven (605A.7) of the Code in lieu of section six (6) of this Act, commencing on the effective date of the relinquishment or removal, and for such purposes any service and annuity of the person as a senior judge is disregarded.

Sec. 11. NEW SECTION. SURVIVOR'S ANNUITY.

1. A survivor of a senior judge or a retired senior judge shall be paid an annuity in lieu of that specified in section six hundred five A point fifteen (605A.15) of the Code, which is equal to one-half the amount of the annuity the senior judge or retired senior judge was receiving at the time of his or her death, provided the survivor is qualified under section six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

2. A survivor of a person whose name is stricken from the roster of senior judges shall be paid an annuity equal to one-half of the amount the person was receiving at the time of his or her death, provided the survivor is qualified under section six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

Sec. 12. Section six hundred five A point ten (605A.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, this section does not prohibit the payment of an annuity to a senior judge while serving as provided in section eight (8) of this Act.

Approved March 30, 1979

CHAPTER 138  
FOREIGN JUDGMENTS ENFORCED

S. F. 29

AN ACT relating to the enforcement of foreign judgments.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. DEFINITION. As used in this Act unless the context otherwise requires, "foreign judgment" means a judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

Sec. 2. NEW SECTION. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy of a foreign judgment authenticated in accordance with an act of Congress or the statutes of this state may be filed in the office of the clerk of the district court of a county of this state which would have venue if the original action was being commenced in this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of the district court of this state and may be enforced or satisfied in like manner.

Sec. 3. NEW SECTION. NOTICE OF FILING.

1. At the time of the filing of the foreign judgment, the judgment creditor or his or her lawyer shall make and file with the clerk of court an