

RULES OF JUVENILE PROCEDURE**CHAPTER 277****RULES OF JUVENILE PROCEDURE**

IN THE MATTER OF RULES
OF JUVENILE PROCEDURE

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REPORT OF THE
SUPREME COURT

TO: BURNETTE E. KOEBERNICK, ACTING SECRETARY OF THE LEGISLATIVE
COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202 (Supp. 1983), the Supreme Court of Iowa has prescribed and hereby reports to the Legislative Council the attached Exhibit A, constituting Rules of Juvenile Procedure, which have been issued on this date. Pursuant to Iowa Code section 602.4202(3) (Supp. 1983), these rules are to take effect on July 1, 1985.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
February 21, 1985

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-first day of February, 1985, of the Report of the Supreme Court pertaining to Rules of Juvenile Procedure.

/s/ Burnette E. Koebornick

Acting Secretary of the Legislative Council

EXHIBIT "A"
RULES OF JUVENILE PROCEDURE
RULE ON DISCOVERY

Rule 1.1. 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.

Rule 1.2. Delinquency proceedings.

(a) 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.

(b) 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.

Rule 1.3. Child in need of assistance and termination proceedings. Although informal discovery methods are preferred, the rules of civil procedure, divisions V and VII, governing discovery, depositions and perpetuation of testimony in civil proceedings shall apply to proceedings under Iowa Code chapter 232, divisions III and IV where not inconsistent with these rules or with statutes.

MOTION PRACTICE

Rule 2.1. 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.

Rule 2.2. 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.

PRETRIAL CONFERENCES

Rule 3.1. 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.

SPEEDY HEARING

Rule 4.1. 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.

Rule 4.2. 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 sixty (60) days after the petition is filed or the court shall order the petition dismissed unless good cause to the contrary is shown.

(a) Entry of a consent decree shall be deemed a waiver of the child's right to a speedy hearing.

(b) The provisions contained herein shall be applicable notwithstanding a motion or hearing to waive jurisdiction pursuant to rule 4.3 or 4.4 hereunder.

Rule 4.3. Motion to waive jurisdiction. A motion under Iowa Code section 232.45 must be filed within ten (10) days of the filing of the petition.

Rule 4.4. Hearings regarding waiver. A hearing on a motion to waive jurisdiction filed pursuant to Iowa Code section 232.45 shall be held within thirty (30) days of the filing of said motion unless good cause to the contrary is shown.

Rule 4.5. Child in need of assistance adjudicatory hearings. The adjudicatory hearing on a child in need of assistance petition shall be held within sixty (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.

Rule 4.6. 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 (10) days of such removal.