

In the Iowa Supreme Court

**In the Matter of Updating
“Substance Abuse” and
“Substance-Related Disorder”
References in the Iowa Court Rules****Order**

The Iowa Supreme Court adopts amendments to various chapters of the Iowa Court Rules to update the phrases “substance abuse” and “substance-related disorder” to “substance use disorder” as now used in the Iowa Code.

The following chapters and rules are affected:

- 6.902(1)(i)
- 9.12(5)
- 34.17(1)
- 35.13(7), 35.14(2)(h)
- 42.1(7)
- 61(7)[2], 61(10)[3], 61(17)[2]
- 62(VI)(9)
- 63(II)(E)[1]
- 70.303(2)(15)

Language in Chapter 13, Rules for Involuntary Commitment or Treatment of Persons with Substance-Related Disorders, and the forms in chapter 13, will be updated at a later date.

The amendments, provided with this order, are effective immediately.

Dated this 26th day of January, 2024.

The Iowa Supreme Court

By: _____



Susan Larson Christensen, Chief Justice

CHAPTER 6
RULES OF APPELLATE PROCEDURE

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DIVISION IX
BRIEFS AND APPENDIX

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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~~-use disorder commitments under Iowa Code chapter 125.
- j. Certified questions under Iowa Code chapter 684A.

CHAPTER 9
CHILD SUPPORT GUIDELINES

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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 will share all uncovered medical expenses in proportion to the parents’ respective net incomes. In all other cases, including split or divided physical care, the custodial parent will pay the first \$250 per calendar year per child of uncovered medical expenses up to a maximum of \$800 per calendar year for all children. The parents will pay in proportion to their respective net incomes uncovered medical expenses in excess of \$250 per child or a maximum of \$800 per calendar year for all children. “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~~-use disorder treatment, prescription drugs, and any other uncovered medical expense. Uncovered medical expenses are not to be deducted in arriving at net income.

CHAPTER 34

ADMINISTRATIVE AND GENERAL PROVISIONS OF THE GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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Rule 34.17 Disability suspension.

34.17(1) *Certification of adjudication or commitment.* 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~~substance use 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 ten days, certify the adjudication or commitment to the disciplinary board.

CHAPTER 35

IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD RULES OF PROCEDURE

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Rule 35.13 Order for mental or physical examination or treatment.

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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~~substance use disorder.

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Rule 35.14 Deferral of further proceedings.

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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 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~~Substance use disorder counseling or treatment.
- i. Abstinence from alcohol or drugs.

- j. Cooperation with the Iowa Lawyers Assistance Program.
- k. Fee arbitration.

CHAPTER 42

REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

Rule 42.1 Definitions. For the purpose of these regulations, the following definitions apply:

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(7) “Attorney wellness” means a separate, designated, and dedicated session of instruction designed to help attorneys detect, prevent, or respond to ~~substance-related~~substance use 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~~substance use disorders or mental health in general; ~~or~~.

CHAPTER 61

IOWA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN JUVENILE COURT

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II. Relationship with the Client

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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

[2] Confidential information contained in a client’s ~~substance-related~~substance use 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.

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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

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[3] *Services*

The attorney should assist an incarcerated client in obtaining services while incarcerated, such as

~~substance-related~~substance use 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.

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17. Engage in multidisciplinary case planning and advocate for appropriate services and high quality family interaction.

Commentary

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[2] The attorney should know the social, mental health, ~~substance-related~~substance use 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.

CHAPTER 62

IOWA STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING CHILDREN IN CUSTODY CASES

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VI. Training

Training for lawyers representing children in custody cases should cover:

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9. Family dynamics and dysfunction, domestic violence, and substance ~~abuses~~use disorder.

CHAPTER 63

IOWA STANDARDS OF PRACTICE FOR CHILD AND FAMILY REPORTERS IN CHILD CUSTODY CASES

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II. Role of a Child and Family Reporter

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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~~use disorder, 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.

CHAPTER 70
IOWA RULES OF JUVENILE COURT SERVICES DIRECTED
PROGRAMS

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DIVISION III
NONCONTRACTED/COURT-ORDERED SERVICES

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Rule 70.303 Expenses. The following lists include expenses that are either eligible or ineligible for reimbursement from the noncontracted/court-ordered services fund and are intended to be exhaustive. Billings for services not listed below shall not be paid except as provided in subrule 70.303(3).

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70.303(2) Expenses not eligible for reimbursement. Expenses that are excluded from reimbursement from noncontracted/court-ordered service funds because another source is available to pay for the service include:

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(15) Expenses, except for the allowable medical cost sharing, for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance ~~abuse~~use disorder, and group therapy. Payment source is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.