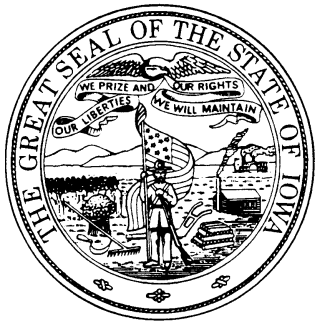
IOWA
COURT RULES

FIFTH EDITION

January 2024 Supplement



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, June, September, October, December
2021 — April, May, June, July, August, September, October, December
2022 — January, February, March, June, September, October, November, December
2023 — March, June, July, August, November, December

January 2024 Supplement

Changes in this supplement

Rule 6.902 ..... Amended
Rule 9.12(5) ..... Amended
Rule 34.17 ..... Amended
Rules 35.13 and 35.14 ..... Adopted
Rule 42.1 ..... Amended
Chapter 61, standard 7, comment 2 . Amended
Chapter 61, standard 10, comment 3 Amended
Chapter 61, standard 17, comment 2 Amended
Chapter 62, standard VI, paragraph 9 Amended
Chapter 63, standard II(E), comment 1 ..... Amended
Rule 70.303 ..... Amended

INSTRUCTIONS FOR UPDATING THE IOWA COURT RULES

Replace Chapter 6
Replace Chapter 9
Replace Chapters 34 and 35
Replace Chapter 42
Replace Chapters 61 to 63
Replace Chapter 70

CHAPTER 6
RULES OF APPELLATE PROCEDURE

DIVISION I
CASE INITIATION: CIVIL AND CRIMINAL; PARTIES AND ATTORNEYS; PROTECTED INFORMATION; AND CONFIDENTIAL MATERIALS

DIVISION II
TERMINATION-OF-PARENTAL-RIGHTS AND CHILD-IN-NEED-OF-ASSISTANCE APPEALS UNDER IOWA CODE CHAPTER 232

DIVISION III
CERTIFIED QUESTIONS OF LAW

DIVISION IV
ABORTION NOTIFICATION APPEALS

DIVISION V
OTHER PROCEEDINGS

DIVISION VI
STAYING DISTRICT COURT JUDGMENTS AND PROCEEDINGS

DIVISION VII
FILING, SERVICE, AND FEES

DIVISION VIII
RECORD ON APPEAL

DIVISION IX
BRIEFS AND APPENDIX

DIVISION X
WRITS, MOTIONS, AND OTHER DOCUMENTS

DIVISION XI
TRANSFER, SUBMISSION, AND FURTHER REVIEW

DIVISION XII
DISPOSITION OF APPEALS

DIVISION XIII
AMENDMENT TO RULES

DIVISION XIV
FORMS

DIVISION XV
APPELLATE PROCEDURE TIMETABLES

DIVISION XVI
TABLES

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.

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 IV
ABORTION 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 V
OTHER 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 VI
STAYING 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 VIII
RECORD 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]

Rules 6.808 to **6.900** Reserved.

DIVISION IX
BRIEFS 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 use disorder 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; January 26, 2024]

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)(*f*), 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.

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 XII
DISPOSITION 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 XIII
AMENDMENT 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 attorneys of record).

Notice is given that _____ *(insert the names of the parties who are taking the appeal)* appeal(s) to the Supreme Court of Iowa from the final order entered in this case on the _____ day of _____, 20____, and from all adverse rulings and orders inhering therein.

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.

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this notice of appeal was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service).*

_____
(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 court case number)*

COMBINED CERTIFICATE

(See Iowa R. App. P. 6.804.)

1. Notice of appeal was filed in district court on _____ *(date)* from a judgment or ruling filed on _____ *(date)*.

2A. I hereby order a transcript or portions thereof on the _____ day of _____, 20____,[1] 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 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) _____
(describe parts ordered) before _____ *(judge)* on _____ *(date of hearing/trial)*.

(2) _____
(describe parts ordered) before _____ *(judge)* on _____ *(date of hearing/trial)*.

—OR—

2B. I need not order a transcript under Iowa R. App. P. 6.804(2) because:

_____

_____

_____

I (____ will) (____ will not) prepare a statement of the evidence or proceedings pursuant 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 appeal are:

I.

II.

III.

[1]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 6.902(1) apply to this case, check category:

_____ A contest as to custody of children, an adoption, or a juvenile proceeding affecting child placement.

_____ A termination of a parent-child relationship 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 under Iowa Code chapter 229.

_____ Involuntary substance abuse commitments under Iowa Code chapter 125.

4. I assert in good faith that this appeal meets jurisdicitional requirements and is from:

_____ A final judgment, order, or decree and a timely notice of appeal has been filed.

—OR—

_____ A ruling entered in advance of a final judgment and permission to appeal has been granted by the supreme court.

5. The names of the parties involved in this appeal and their designations in district court are shown below under column A. Their respective attorneys' names, law firms, addresses, and telephone numbers are shown below under column B:

Column A Parties	Column B 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.

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this combined certificate was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service)*.

_____

(signature of person making service)

[Court Order October 31, 2008, effective January 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 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) _____
(describe parts ordered) before _____ *(judge)* on _____ *(date of hearing/trial)*.

(2) _____
(describe parts ordered) before _____ *(judge)* on _____ *(date of hearing/trial)*.

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.

_____
(signature of appellant or appellant's attorney)
Name, address, telephone number, fax number, and e-mail address of appellant or appellant's attorney.

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this supplemental certificate was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service).*

_____
(signature of person making service)

[2]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
FOR _____ COUNTY

(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 attorneys of record).

Notice is given that _____ (insert the names of the parties who are taking the appeal) appeal(s) to the Supreme Court of Iowa from *(check one of the following)* and from all adverse rulings and orders inhering therein.

☐ An order in a child-in-need-of-assistance proceeding entered on the _____ day of _____, 20 ____.

☐ An order terminating the parent-child relationship or dismissing a petition to terminate the parent-child relationship entered pursuant to Iowa Code section 232.117 on the _____ day of _____, 20 ____.

☐ A post-termination order entered pursuant to Iowa Code section 232.117 on the _____ day of _____, 20 ____.

Dated this _____ day of _____, 20 ____.

_____
(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 Iowa R. App. P. 6.102(1)(*a*).**

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this notice of appeal (cross-appeal) was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service).*

_____
(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

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 _____

The names of the parties involved in this appeal and their designations in juvenile court are shown below in column A. Their respective attorneys' names, law firms, addresses, and telephone numbers are shown below in column B.

Column A Parties	Column B Attorneys
Appellant(s):	
Appellee(s):	

1. This Petition on Appeal is filed on behalf of, *(insert name of person)* _____, *(insert role of filer i.e. mother, father, child, State, intervenor, or other)* in the above–identified (CHECK ONE)

☐ child-in-need-of-assistance

☐ termination-of-parental-rights

☐ post–termination

proceeding, with respect to child(ren)

Child(ren)'s Name(s)	Date(s) of Birth
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. (If applicable), parental rights were terminated by the juvenile court pursuant to Iowa Code section(s) 232.116(_____) *(insert specific subsection(s))* as to the mother and Iowa Code section(s) 232.116(_____) *(insert specific subsection(s))* as to the father.

If appealing from a **CINA** order, indicate as to the mother on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (____)*(insert specific subsection(s))* and indicate as to the father on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (____)*(insert specific subsection(s))*.

3. Appellant's attorney, _____, is/is not the attorney who represented 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 _

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. Nature of case and relief sought: The appellant seeks a reversal of the juvenile court 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:

_____

_____

_____

_____

_____

8. State the legal issues presented for appeal, including a statement of how the issues arose and how they were preserved for appeal. Also, state what findings of fact or conclusions of law the district court made with which you disagree and why, generally referencing a particular part of the record, witnesses' testimony, or exhibits that support your position on appeal:

The issue statement should be concise in nature setting forth specific legal questions. General conclusions, such as "the trial court's ruling is not supported by law or the facts" are not acceptable. Include supporting legal authority for each issue raised, including authority 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:

_____

_____

_____

_____

_____

_____

_____

_____

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:

(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 undersigned certifies a copy of this petition on appeal (cross-appeal) was served on the _____ day of _____ 20 _____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the 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

_____, CHILD(REN)

Supreme Court No._____

Juvenile Court No. _____

RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL)

1. This response to the petition on appeal/cross-appeal is filed on behalf of _____, *(insert name of person)* _____, *(insert role of filer i.e. mother, father, child, State, intervenor, or other)* in the above-identified proceeding.

2. The appellee's attorney, _____, is/is not the attorney who represented appellee at trial.

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 appeal are as follows:

a. Issue I:

_____

_____

Appellee states that:

_____ error was preserved as alleged in the petition on appeal.

_____ error was not preserved. If so, please explain briefly:

_____

_____

Legal authorities for Issue I supporting appellee's response:

_____

_____

_____

_____

b. Issue II:

_____

_____

Appellee states that:

_____ error was preserved as alleged in the petition on appeal.

_____ error was not preserved. If so, please explain briefly:

_____

_____

Legal authorities for Issue II supporting appellee's response:

_____

_____

_____

_____

6. The undersigned requests the appellate court issue 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.

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this response to petition on appeal (cross-appeal) was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service).*

_____

(signature of person making service)

[Court Order October 31, 2008, effective January 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 requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(*d*) and 6.903(1)(*g*)(1) or (2) because:

[ ] this brief has been prepared in a proportionally spaced typeface using [state name of typeface] in [state font size] and contains [state the number of] words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(*g*)(1) or

[ ] this brief has been prepared in a monospaced typeface using [state name of typeface] in [state font size] and contains [state the number of] lines of text, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(*g*)(2).

_____ _____

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 of _____, 20____, _____ *(name of attorney or party)* ordered the following transcript(s)

_____

_____

_____

_____

_____

in the above captioned matter by serving a copy of the combined certificate. I further certify that on the _____ day of _____, 20____, I filed the following transcript(s)

_____

_____

_____

_____

_____

with the clerk of the supreme court.

_____

(signature of court reporter)
Name, address, telephone number, and e-mail address of court reporter

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this reporter's certificate was served on the _____ day of _____, 20____, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service).*

_____

(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 Iowa District Court for _____ County

Insert supreme 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. 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 combined certificate.

2. The deadline for filing the transcript(s) with the clerk of the supreme court is the

   _____ day of _____, 20____.
   Month *Year*

3. I am unable to file the transcript(s) on the date required because

   _____

   _____

   _____

   _____

   _____

   If the transcript(s) cannot be filed by the due date because the party ordering it has not complied with the arrangements made to pay for the transcript(s), you must state what arrangements for payment of the transcript(s) were made under rule 6.803(5).

4. I will be able to complete and file the transcript 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 address*

Certificate of Service

The undersigned certifies a copy of this reporters' application for an extension of time to file a transcript was served on the_____ day of _____, 20_____, upon the following persons and upon
Month *Year*
the clerk of the supreme court. *List the names and addresses of the persons below and indicate the manner of service.*

_____

_____

_____

_____
Signature of server

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.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

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] complies with the typeface and type-volume requirements of Iowa R. App. P. 6.1103(4) because:

[ ] 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 number 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 using [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*).

_____ _____

Signature Date

[Court Order February 23, 2017, effective March 1, 2017]

Rule 6.1401 — Form 11: ***Certificate of Confidentiality.***

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)

Pursuant to Iowa R. App. P. 6.110(2), I, [*insert attorney's or filing party's name*], hereby certify that the [*identify document being filed*] attached to this Certificate of Confidentiality contains material deemed confidential pursuant to [*cite applicable statute, rule, or date and title of order requiring matter to be filed in a confidential manner*].

Date: _____

_____
Signature of attorney or filing party

_____
Printed name of attorney or filing party

_____
Address of attorney or filing party

_____
Email address of attorney or filing party

[Court Order July 20, 2017]

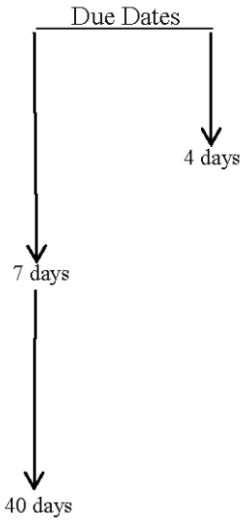
Rules 6.1402 to **6.1500** Reserved.

DIVISION XV
APPELLATE 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 PROCEDURE[1]

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

[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:

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]

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]

Due Dates

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.

↓ 50 days

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).

↓ 30 days

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).

↓ 21 days

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).

↓ 14 days

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).

↓ 7 days

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

[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]If 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).

[3]Expedited cases include:

- 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

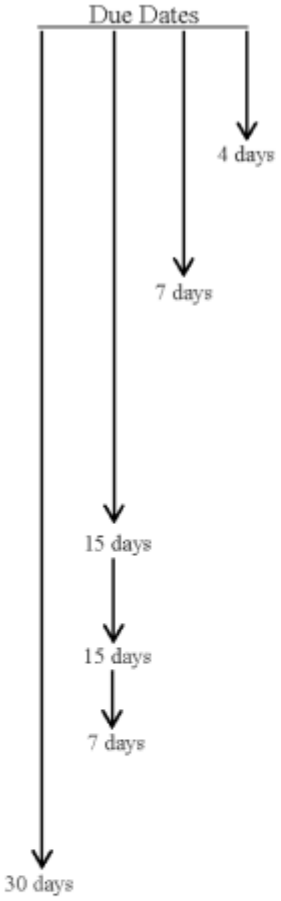
In expedited cases the times for filing are reduced by one-half except step 4 which is reduced to 15 days and step 6 which remains 7 days.

[4]An 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.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

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. 3[1]



1. **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]

4. **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.

5. **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.

7. **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.

8. **Briefing.** Briefing is done only when directed by the appellate court. *See* rule 6.205(1).

NOTES

[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] 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.

[Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

Rules 6.1502 to **6.1600** Reserved.

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	1copy	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 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Applicaton for Further Review	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	Not applicable	14 days after supreme court decision	1copy	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 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	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 copy	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 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Application for Further Review	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	Not applicable	14 days after supreme court opinion	1 copy	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 9
CHILD SUPPORT GUIDELINES

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, 2022. The guidelines apply to cases pending January 1, 2022, and thereafter.
[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; September 3, 2021, effective January 1, 2022]

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 $1,101 in Area A of the shaded area of the schedule. When the obligated parent's adjusted net income is $1,101 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; September 3, 2021, effective January 1, 2022]

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. In determining the necessity of an adjustment, the custodial parent's child care expenses under rule 9.11A are to be considered. 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; September 3, 2021, effective January 1, 2022]

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 spousal support payments to be received by a party in the pending matter and prior obligation 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 spousal support is to be paid in the pending matter, whether temporary or permanent, 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) A payor of prior obligation spousal support will receive a reduction from income for spousal support actually paid pursuant to court order.

(3) Reimbursement spousal support, whether being paid in a prior matter or to be paid in the pending matter, may not be added to a payee's income or deducted from a 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 may 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. Health insurance premium costs for other children not in the pending matter when coverage is provided pursuant to court or administrative order or for children who are qualified additional dependents under rule 9.7. For purposes of this deduction, the premium cost for other children is one-half of the amount calculated for those other children utilizing the method specified in rule 9.14(5)(*b*).

g. Cash medical support ordered in this pending matter as determined by the medical support table in rule 9.12.

h. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.

i. Qualified additional dependent deductions.

j. Actual child care expenses, as defined in rule 9.11A. However, this deduction is not allowed when 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; September 3, 2021, effective January 1, 2022; September 30, 2021, effective January 1, 2022]

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.

9.6(7) If the amount of federal or state income tax, or both, actually paid by a 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 Child Support Services (CSS) 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; September 3, 2021, effective January 1, 2022; June 30, 2023, effective July 1, 2023]

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(2)(*h*)) or a qualified additional dependent deduction (rule 9.5(2)(*i*)), 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; effective March 22, 2022]

Rule 9.9 Extraordinary visitation credit. If the noncustodial parent's court-ordered visitation exceeds 127 days per year, the noncustodial parent will receive a credit to the noncustodial parent's share of the basic support obligation in accordance with the following table:

Days	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 may not reduce support below $50 for one child, $75 for two children, or $100 for three 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; September 3, 2021, effective January 1, 2022]

Rule 9.10 Child support guidelines worksheet. All parties must file a child support guidelines worksheet prior to a support hearing or the establishment of a support order. The parties must use Form 1 accompanying these rules, unless both parties agree to use Form 2. CSS must use Form 2. The parties may supplement any other required financial statements by filing Form 3.
[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; September 3, 2021, effective January 1, 2022; June 30, 2023, effective July 1, 2023]

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. Incarceration is not voluntary unemployment for purposes of establishing or modifying child support.

b. A determination of earning capacity must take into consideration the specific circumstances of the parent to the extent known, and may include such factors as employment potential and probable earnings level based on work and training history, occupational qualifications, prevailing job opportunities, availability of employers willing to hire the parent, and earning levels in the community.

c. The court may also consider the parent's assets, residence, educational attainment, literacy, age, health, criminal record and other employment barriers, record of seeking work, and other relevant factors.

d. The court may not use earning capacity instead of 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; September 3, 2021, effective January 1, 2022]

Rule 9.11A Variance for child care expenses. Because the cost of child care is not included in the economic data used to establish the support amounts in the Schedule of Basic Support Obligations, the custodial parent's child care expenses constitute grounds for requesting an upward variance from the amount of child support that would result from application of the guidelines. If a party requests a variance under this rule, the court must first determine the amount of the custodial parent's child care expenses and then determine the amount of the variance, if any. A variance for child care expenses should be liberally granted and must be supported by written findings in accordance with rule 9.11.

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.

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) In determining the amount of the variance, the court may consider each parent's proportional share of income. The amount of the child care expense variance allowed should not exceed the noncustodial parent's proportional share of income. 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, the combined amount of the basic support obligation and the child care expense variance, and when the child care expense variance will end. Absent compelling circumstances, the child care expense variance should not extend beyond the time when there are no longer any children under the age of 13 who are subject to the support order. When a child care expense variance ends pursuant to the terms of the support order, support will automatically adjust to the amount of the basic support obligation without a child care expense variance.

9.11A(4) When considering a variance, child care expenses are to be considered independent of any amount computed by use of the guidelines or any other grounds for variance.

9.11A(5) When a variance is ordered pursuant to rule 9.11A, no deduction for child care expenses under rule 9.5(2)*(j)* will be allowed in calculating either party's net monthly income to determine the amount of the basic support obligation.

9.11A(6) A change in the amount of child care expenses incurred by the custodial parent is a factor to be considered in determining whether a substantial change in circumstances exists to modify a support order that includes a variance under rule 9.11A.

9.11A(7) Rule 9.11A 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; September 3, 2021, effective January 1, 2022]

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 – 1100), 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 – 1100), 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 (Hawki) under Iowa Code chapter 514I, the ordered amount of cash medical support is the cost of the Hawki 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 Child	Two Children	Three Children	Four Children	Five or more Children
0-1100	**Area A: Minimum Order** Noncustodial parent provides health insurance when it becomes available at no cost to add the child(ren). Health insurance is not an add-on cost in this area. Do not order cash medical support.				
1101-1600 1 child 1601-2000 2 children 2001-2350 3 children 2351-2400 4 children 2401-2650 5+ children	**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%-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 a reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court will order cash medical support under Rule 9.12(3).				
1101-1150	2%	2%	1%	1%	1%
1151-1200	2%	2%	1%	1%	1%
1201-1250	2%	2%	2%	1%	1%
1251-1300	2%	2%	2%	1%	1%
1301-1350	3%	2%	2%	2%	1%
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%	4%
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 a reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court will 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 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 use disorder 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; September 3, 2021, effective January 1, 2022; December 29, 2021, effective January 1, 2022; June 30, 2023, effective July 1, 2023; January 26, 2024]

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.

Adjusted Net Monthly Income Computation				
			Custodial Parent* _____ (name)	**Noncustodial Parent*** _____ (name)
A.		Gross monthly income (Does not include public assistance payments, the Earned Income Tax Credit, or child support payments.) Gross income will be adjusted to reflect receipt by the payee and payments by the payor of spousal support payments pursuant to rule 9.5(1).	$	$
	B.	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 may not exceed the current Social Security and Medicare tax rate for employees.)	$	$
	E.	Mandatory occupational license fees	$	$
	F.	Union dues	$	$
	G.	Health insurance premium costs for other children not in the pending matter. (*See* rule 9.5(2)(*f*).)	$	$
	H.	Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.	$	$
	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* (No deduction allowed if variance granted under rule 9.11A.)	$	$
K.		Preliminary net income for each parent (Line A minus lines B through J for each parent.) (Preliminary net income is used to determine medical support under rule 9.12.)	$	$
	L.	If ordered in this pending matter, cash medical support as determined in rule 9.12.	$	$
M.		Adjusted net monthly income (Line K minus line L.) (Adjusted net monthly income is used to calculate the guideline amount of child support. Enter each parent's amount from line M on either line A of the Basic Method of Child Support Computation or line A of the Joint [Equally Shared] Physical Care Method of Child Support 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 Computation				
		Custodial Parent (CP) _____ (name)	Noncustodial Parent (NCP) _____ (name)	Combined
A.	Adjusted net monthly income	$	$	$
B.	Proportional share of income	%	%	100%
C.	Number of children for whom support is sought			
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.	**Allowable child(ren)'s portion of health insurance premium** (Enter 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. • If neither parent has health insurance available at reasonable cost, enter N/A for each parent on this line. • 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 line. • For stepparent-provided insurance, *see* rule 9.14(5).	$	$	
I.	**Health insurance add-on or deduction from NCP's obligation—calculated below in 1. and 2.**			
	1. If the CP will be ordered to provide H.I.: a. CP's H.I. cost from line H = $_____ b. NCP's line B percentage = _____% c. Multiply CP's line H x NCP's line B = +$_____ (amount to add to NCP line G to get to line J)			
	2. If the NCP will be ordered to provide H.I.: a. NCP's H.I. cost from Line H = $_____ b. CP's Line B percentage = _____% c. Multiply NCP's Line H x CP's Line B = - $_____ (amount to subtract from NCP line G to get to line J)			
J.	**Guideline amount of child support for NCP** • If only CP provides H.I.: line G plus line I.1. • If only NCP provides H.I.: line G minus line I.2. • If both provide H.I.: line G plus line I.1 minus line I.2. • If neither parent provides H.I.: enter the amount from line G.		$	

Extraordinary Visitation Credit (Only if court-ordered visitation exceeds 127 overnights per year.)				
K.	NCP's basic support obligation before health insurance (Amount from line G.)		$	
L.	Number of court-ordered visitation overnights with NCP			
M.	Extraordinary visitation credit percentage: If line L above is 128-147 overnights: 15% credit (0.15) If line L above is 148-166 overnights: 20% credit (0.20) If line L above is 167 or more overnights: 25% credit (0.25) (But less than joint [equally shared] physical care.)		%	
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 $50 for one child, $75 for two children, or $100 for three or more children.)		$	
Child Care Expense Variance under rule 9.11A (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.)		$	

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 Method of Child Support Computation				
		Custodial Parent 1 (CP 1) _____ **(name)**	**Custodial Parent 2 (CP 2)** _____ **(name)**	**Combined**
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.)	$	$	
H.	Allowable child(ren)'s portion of health 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 = $_____ Step 3. Multiply CP 1's cost x CP 2's line B =	Step 2. CP 2's line B percentage = _____% + $_____ (Insert on CP 2's line I.)		
	2. If CP 2 will be ordered to provide H.I. Step 1. CP 2's H.I. cost from line H = $_____ Step 3. Multiply CP 2's line H x CP 1's line B =	Step 2. CP 1's line B percentage = _____% + $_____ (Insert on CP 1's line I.)		
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; September 3, 2021, effective January 1, 2022]

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 $1100) in accordance with the low-income adjustment.
   Area B: Two calculations are required in Area B of the low-income shaded area (between $1101 and $1600 for one child, between $1101 and $2000 for two children, between $1101 and $2350 for three children, between $1101 and $2400 for four children, and between $1101 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 may not be less than the basic support obligation for combined net monthly incomes equal to $25,000.

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
Area A—Low-Income Adjustment					
0 — 100	50	75	100	100	100
101 — 200	56	82	107	109	110
201 — 300	61	90	115	118	121
301 — 400	67	97	122	127	131
401 — 500	72	105	129	136	142
501 — 600	78	112	137	145	152
601 — 700	84	120	144	154	163
701 — 800	89	127	152	163	173
801 — 850	95	134	159	172	184
851 — 900	100	142	166	181	194
901 — 950	106	149	174	190	205
951 — 1000	111	157	181	199	215
1001 — 1050	117	164	188	208	226
1051 — 1100	123	171	196	217	236
Area B—Low-Income Adjustment					
1101 — 1150	128	179	203	226	247
1151 — 1200	153	209	235	258	284
1201 — 1250	178	239	268	290	321

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
1251 — 1300	203	269	300	323	359
1301 — 1350	228	299	333	355	396
1351 — 1400	253	329	365	388	434
1401 — 1450	278	359	398	420	471
1451 — 1500	303	389	430	453	509
1501 — 1550	328	419	463	485	546
1551 — 1600	353	449	495	518	584
1601 — 1650	375	479	528	550	621
1651 — 1700	386	509	560	583	659
1701 — 1750	398	539	593	615	696
1751 — 1800	409	569	625	648	734
1801 — 1850	421	599	658	680	771
1851 — 1900	432	629	690	713	809
1901 — 1950	444	659	723	745	846
1951 — 2000	455	689	755	778	869
2001 — 2050	467	711	788	810	891
2051 — 2100	478	728	820	843	913
2101 — 2150	490	746	853	875	935
2151 — 2200	501	763	885	908	957
2201 — 2250	513	781	918	940	979
2251 — 2300	524	798	950	973	1001
2301 — 2350	536	816	983	1000	1023
2351 — 2400	547	833	1008	1021	1045
2401 — 2450	559	851	1029	1043	1067
2451 — 2500	570	869	1050	1064	1089
2501 — 2550	582	886	1071	1086	1111
2551 — 2600	593	904	1092	1107	1133
2601 — 2650	605	921	1114	1129	1155
Area C—Nonshaded Area					
2651 — 2700	616	939	1135	1150	1177
2701 — 2750	628	956	1156	1172	1199
2751 — 2800	640	973	1175	1193	1221
2801 — 2850	651	988	1193	1215	1243
2851 — 2900	663	1003	1210	1236	1265
2901 — 2950	674	1018	1227	1258	1287
2951 — 3000	686	1033	1245	1279	1309
3001 — 3050	697	1049	1262	1301	1331
3051 — 3100	709	1064	1280	1322	1353
3101 — 3150	720	1079	1297	1344	1375
3151 — 3200	732	1094	1315	1365	1397

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
3201 — 3250	742	1111	1335	1387	1419
3251 — 3300	752	1128	1355	1408	1441
3301 — 3350	763	1145	1375	1430	1463
3351 — 3400	773	1162	1395	1451	1485
3401 — 3450	784	1179	1415	1473	1507
3451 — 3500	794	1196	1435	1494	1529
3501 — 3550	805	1213	1455	1516	1551
3551 — 3600	815	1230	1475	1537	1573
3601 — 3650	824	1245	1493	1559	1595
3651 — 3700	833	1257	1508	1580	1617
3701 — 3750	841	1270	1523	1602	1639
3751 — 3800	850	1283	1538	1623	1661
3801 — 3850	858	1295	1553	1645	1683
3851 — 3900	867	1308	1568	1666	1705
3901 — 3950	875	1321	1583	1688	1727
3951 — 4000	884	1333	1598	1709	1749
4001 — 4050	892	1345	1612	1730	1771
4051 — 4100	897	1353	1620	1748	1793
4101 — 4150	902	1360	1629	1766	1815
4151 — 4200	907	1368	1637	1784	1837
4201 — 4250	912	1375	1646	1802	1859
4251 — 4300	918	1383	1654	1820	1881
4301 — 4350	923	1390	1663	1838	1903
4351 — 4400	928	1398	1671	1856	1925
4401 — 4450	933	1405	1680	1873	1947
4451 — 4500	938	1411	1685	1882	1967
4501 — 4550	943	1417	1690	1887	1986
4551 — 4600	948	1422	1694	1892	2005
4601 — 4650	952	1428	1699	1897	2023
4651 — 4700	957	1433	1703	1902	2042
4701 — 4750	962	1438	1707	1907	2061
4751 — 4800	966	1444	1712	1912	2080
4801 — 4850	971	1449	1716	1917	2098
4851 — 4900	976	1456	1723	1924	2117
4901 — 4950	983	1467	1738	1941	2135
4951 — 5000	989	1478	1752	1957	2153
5001 — 5050	996	1489	1767	1974	2171
5051 — 5100	1003	1500	1781	1990	2189
5101 — 5150	1009	1511	1796	2006	2207
5151 — 5200	1016	1522	1811	2023	2225
5201 — 5250	1022	1533	1825	2039	2243

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
5251 — 5300	1029	1544	1840	2055	2261
5301 — 5350	1033	1550	1846	2062	2269
5351 — 5400	1037	1555	1850	2067	2273
5401 — 5450	1041	1560	1854	2071	2278
5451 — 5500	1045	1564	1858	2075	2282
5501 — 5550	1049	1569	1861	2079	2287
5551 — 5600	1053	1573	1865	2083	2291
5601 — 5650	1057	1578	1869	2087	2296
5651 — 5700	1061	1583	1872	2091	2301
5701 — 5750	1066	1588	1877	2097	2307
5751 — 5800	1071	1595	1885	2105	2316
5801 — 5850	1077	1603	1892	2113	2325
5851 — 5900	1083	1610	1899	2122	2334
5901 — 5950	1088	1617	1907	2130	2343
5951 — 6000	1094	1624	1914	2138	2352
6001 — 6050	1099	1632	1922	2146	2361
6051 — 6100	1105	1639	1929	2155	2370
6101 — 6150	1110	1646	1936	2163	2379
6151 — 6200	1118	1657	1948	2176	2394
6201 — 6250	1126	1669	1961	2191	2410
6251 — 6300	1135	1680	1974	2205	2426
6301 — 6350	1143	1692	1987	2219	2441
6351 — 6400	1151	1704	2000	2234	2457
6401 — 6450	1160	1715	2013	2248	2473
6451 — 6500	1168	1727	2026	2262	2489
6501 — 6550	1176	1738	2038	2277	2505
6551 — 6600	1184	1750	2051	2291	2520
6601 — 6650	1193	1762	2064	2306	2536
6651 — 6700	1201	1773	2077	2320	2552
6701 — 6750	1209	1785	2090	2334	2568
6751 — 6800	1217	1796	2103	2349	2583
6801 — 6850	1223	1806	2116	2363	2599
6851 — 6900	1229	1816	2128	2378	2615
6901 — 6950	1235	1826	2141	2392	2631
6951 — 7000	1241	1836	2154	2406	2647
7001 — 7050	1247	1846	2167	2421	2663
7051 — 7100	1253	1856	2180	2435	2679
7101 — 7150	1259	1866	2193	2450	2695
7151 — 7200	1265	1876	2206	2464	2711
7201 — 7250	1271	1886	2219	2479	2727
7251 — 7300	1277	1896	2232	2493	2742

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
7301 — 7350	1283	1906	2245	2508	2758
7351 — 7400	1289	1916	2258	2522	2774
7401 — 7450	1295	1924	2268	2534	2787
7451 — 7500	1300	1930	2275	2542	2796
7501 — 7550	1304	1937	2283	2550	2805
7551 — 7600	1309	1944	2290	2558	2813
7601 — 7650	1314	1950	2297	2566	2822
7651 — 7700	1318	1957	2304	2574	2831
7701 — 7750	1323	1963	2311	2582	2840
7751 — 7800	1328	1970	2318	2590	2849
7801 — 7850	1333	1976	2326	2598	2858
7851 — 7900	1337	1983	2333	2606	2866
7901 — 7950	1342	1989	2340	2614	2875
7951 — 8000	1347	1996	2347	2622	2884
8001 — 8050	1351	2003	2354	2630	2893
8051 — 8100	1357	2010	2362	2639	2903
8101 — 8150	1363	2018	2371	2648	2913
8151 — 8200	1369	2026	2379	2657	2923
8201 — 8250	1375	2034	2387	2667	2933
8251 — 8300	1381	2043	2396	2676	2943
8301 — 8350	1388	2051	2404	2685	2954
8351 — 8400	1394	2059	2412	2694	2964
8401 — 8450	1400	2067	2421	2704	2974
8451 — 8500	1406	2075	2429	2713	2984
8501 — 8550	1412	2083	2437	2722	2994
8551 — 8600	1418	2091	2445	2732	3005
8601 — 8650	1424	2099	2454	2741	3015
8651 — 8700	1430	2107	2462	2750	3025
8701 — 8750	1436	2115	2470	2759	3035
8751 — 8800	1442	2123	2479	2769	3045
8801 — 8850	1448	2131	2487	2778	3056
8851 — 8900	1454	2139	2495	2787	3066
8901 — 8950	1458	2144	2500	2793	3072
8951 — 9000	1462	2149	2505	2798	3078
9001 — 9050	1466	2154	2510	2803	3084
9051 — 9100	1470	2159	2514	2808	3089
9101 — 9150	1474	2164	2519	2814	3095
9151 — 9200	1478	2169	2524	2819	3101
9201 — 9250	1482	2174	2528	2824	3106
9251 — 9300	1485	2178	2533	2829	3112
9301 — 9350	1489	2183	2537	2834	3118

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
9351 — 9400	1493	2188	2542	2839	3123
9401 — 9450	1497	2193	2547	2845	3129
9451 — 9500	1501	2198	2551	2850	3135
9501 — 9550	1505	2203	2556	2855	3141
9551 — 9600	1509	2208	2561	2860	3146
9601 — 9650	1512	2212	2565	2865	3152
9651 — 9700	1516	2217	2570	2871	3158
9701 — 9750	1520	2222	2575	2876	3163
9751 — 9800	1527	2232	2586	2889	3178
9801 — 9850	1534	2243	2599	2903	3193
9851 — 9900	1541	2254	2611	2917	3209
9901 — 9950	1549	2264	2624	2931	3224
9951 — 10000	1556	2275	2636	2945	3239
10001 — 10050	1563	2285	2649	2959	3254
10051 — 10100	1570	2296	2661	2973	3270
10101 — 10150	1577	2306	2674	2986	3285
10151 — 10200	1584	2314	2685	2999	3299
10201 — 10250	1591	2318	2689	3004	3304
10251 — 10300	1598	2323	2694	3010	3311
10301 — 10350	1606	2329	2702	3018	3319
10351 — 10400	1613	2335	2709	3025	3328
10401 — 10450	1620	2342	2716	3033	3337
10451 — 10500	1627	2348	2723	3041	3345
10501 — 10550	1634	2355	2730	3049	3354
10551 — 10600	1641	2361	2737	3057	3363
10601 — 10650	1648	2367	2744	3065	3371
10651 — 10700	1655	2374	2751	3073	3380
10701 — 10750	1663	2380	2758	3081	3389
10751 — 10800	1670	2386	2765	3089	3397
10801 — 10850	1677	2393	2772	3097	3406
10851 — 10900	1684	2399	2779	3104	3415
10901 — 10950	1691	2405	2786	3112	3424
10951 — 11000	1698	2412	2793	3120	3432
11001 — 11050	1703	2418	2800	3128	3441
11051 — 11100	1708	2424	2807	3136	3450
11101 — 11150	1713	2431	2815	3144	3458
11151 — 11200	1718	2437	2822	3152	3467
11201 — 11250	1722	2444	2829	3160	3476
11251 — 11300	1727	2450	2836	3168	3484
11301 — 11350	1732	2456	2843	3175	3493
11351 — 11400	1736	2463	2850	3183	3502

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
11401 — 11450	1741	2469	2857	3191	3510
11451 — 11500	1746	2475	2864	3199	3519
11501 — 11550	1751	2483	2872	3208	3529
11551 — 11600	1756	2490	2881	3218	3540
11601 — 11650	1761	2497	2890	3228	3550
11651 — 11700	1766	2505	2898	3237	3561
11701 — 11750	1772	2512	2907	3247	3571
11751 — 11800	1777	2520	2915	3256	3582
11801 — 11850	1782	2527	2924	3266	3592
11851 — 11900	1787	2534	2932	3275	3603
11901 — 11950	1792	2542	2941	3285	3613
11951 — 12000	1798	2549	2949	3295	3624
12001 — 12050	1803	2557	2958	3304	3635
12051 — 12100	1808	2564	2967	3314	3645
12101 — 12150	1813	2571	2975	3323	3656
12151 — 12200	1818	2579	2984	3333	3666
12201 — 12250	1824	2586	2992	3342	3677
12251 — 12300	1829	2593	3001	3352	3687
12301 — 12350	1834	2601	3009	3362	3698
12351 — 12400	1839	2608	3018	3371	3708
12401 — 12450	1844	2616	3027	3381	3719
12451 — 12500	1850	2623	3035	3390	3729
12501 — 12550	1855	2630	3044	3400	3740
12551 — 12600	1860	2638	3052	3409	3750
12601 — 12650	1865	2645	3061	3419	3761
12651 — 12700	1870	2653	3069	3428	3771
12701 — 12750	1876	2660	3078	3438	3782
12751 — 12800	1881	2667	3086	3448	3792
12801 — 12850	1886	2675	3095	3457	3803
12851 — 12900	1891	2682	3104	3467	3813
12901 — 12950	1896	2690	3112	3476	3824
12951 — 13000	1902	2697	3121	3486	3834
13001 — 13050	1907	2704	3129	3495	3845
13051 — 13100	1912	2712	3138	3505	3855
13101 — 13150	1917	2719	3146	3515	3866
13151 — 13200	1922	2727	3155	3524	3877
13201 — 13250	1928	2734	3164	3534	3887
13251 — 13300	1933	2741	3172	3543	3898
13301 — 13350	1938	2749	3181	3553	3908
13351 — 13400	1943	2756	3189	3562	3919
13401 — 13450	1948	2764	3198	3572	3929

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
13451 — 13500	1953	2769	3204	3579	3937
13501 — 13550	1956	2775	3210	3586	3945
13551 — 13600	1960	2780	3216	3593	3952
13601 — 13650	1964	2785	3222	3599	3959
13651 — 13700	1968	2791	3228	3606	3967
13701 — 13750	1972	2796	3235	3613	3974
13751 — 13800	1976	2802	3241	3620	3982
13801 — 13850	1980	2807	3247	3626	3989
13851 — 13900	1984	2812	3253	3633	3997
13901 — 13950	1988	2818	3259	3640	4004
13951 — 14000	1991	2823	3265	3647	4011
14001 — 14050	1995	2828	3271	3653	4019
14051 — 14100	1999	2834	3277	3660	4026
14101 — 14150	2003	2839	3283	3667	4034
14151 — 14200	2007	2844	3289	3674	4041
14201 — 14250	2011	2850	3295	3681	4049
14251 — 14300	2015	2855	3301	3687	4056
14301 — 14350	2019	2861	3307	3694	4063
14351 — 14400	2023	2866	3313	3701	4071
14401 — 14450	2026	2871	3319	3708	4078
14451 — 14500	2030	2877	3325	3714	4086
14501 — 14550	2034	2882	3331	3721	4093
14551 — 14600	2038	2887	3337	3728	4101
14601 — 14650	2042	2893	3343	3735	4108
14651 — 14700	2046	2898	3349	3741	4115
14701 — 14750	2050	2904	3355	3748	4123
14751 — 14800	2054	2909	3362	3755	4130
14801 — 14850	2058	2914	3368	3762	4138
14851 — 14900	2061	2920	3374	3768	4145
14901 — 14950	2065	2925	3380	3775	4153
14951 — 15000	2069	2930	3386	3782	4160
15001 — 15050	2073	2936	3392	3789	4167
15051 — 15100	2077	2941	3398	3795	4175
15101 — 15150	2081	2947	3404	3802	4182
15151 — 15200	2085	2952	3410	3809	4190
15201 — 15250	2089	2957	3416	3816	4197
15251 — 15300	2093	2963	3422	3822	4205
15301 — 15350	2096	2968	3428	3829	4212
15351 — 15400	2100	2973	3434	3836	4219
15401 — 15450	2104	2979	3440	3843	4227
15451 — 15500	2108	2984	3446	3849	4234

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
15501 — 15550	2112	2989	3452	3856	4242
15551 — 15600	2116	2995	3458	3863	4249
15601 — 15650	2120	3000	3464	3870	4257
15651 — 15700	2124	3006	3470	3876	4264
15701 — 15750	2128	3011	3476	3883	4271
15751 — 15800	2131	3016	3482	3890	4279
15801 — 15850	2135	3022	3488	3897	4286
15851 — 15900	2139	3027	3495	3903	4294
15901 — 15950	2143	3032	3501	3910	4301
15951 — 16000	2147	3038	3507	3917	4309
16001 — 16050	2151	3043	3513	3924	4316
16051 — 16100	2155	3049	3519	3930	4323
16101 — 16150	2159	3054	3525	3937	4331
16151 — 16200	2163	3059	3531	3944	4338
16201 — 16250	2166	3065	3537	3951	4346
16251 — 16300	2170	3070	3543	3957	4353
16301 — 16350	2174	3075	3549	3964	4361
16351 — 16400	2178	3081	3555	3971	4368
16401 — 16450	2182	3086	3561	3978	4375
16451 — 16500	2186	3091	3567	3984	4383
16501 — 16550	2190	3097	3573	3991	4390
16551 — 16600	2194	3102	3579	3998	4398
16601 — 16650	2198	3108	3585	4005	4405
16651 — 16700	2201	3113	3591	4011	4413
16701 — 16750	2205	3118	3597	4018	4420
16751 — 16800	2209	3124	3603	4025	4427
16801 — 16850	2213	3129	3609	4032	4435
16851 — 16900	2217	3134	3615	4038	4442
16901 — 16950	2221	3140	3622	4045	4450
16951 — 17000	2225	3145	3628	4052	4457
17001 — 17050	2229	3151	3634	4059	4465
17051 — 17100	2233	3156	3640	4065	4472
17101 — 17150	2236	3161	3646	4072	4479
17151 — 17200	2240	3167	3652	4079	4487
17201 — 17250	2244	3172	3658	4086	4494
17251 — 17300	2248	3177	3664	4093	4502
17301 — 17350	2252	3183	3670	4099	4509
17351 — 17400	2256	3188	3676	4106	4517
17401 — 17450	2260	3194	3682	4113	4524
17451 — 17500	2264	3199	3688	4120	4531
17501 — 17550	2268	3204	3694	4126	4539

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
17551 — 17600	2271	3210	3700	4133	4546
17601 — 17650	2275	3215	3706	4140	4554
17651 — 17700	2279	3220	3712	4147	4561
17701 — 17750	2283	3226	3718	4153	4569
17751 — 17800	2287	3231	3724	4160	4576
17801 — 17850	2291	3236	3730	4167	4583
17851 — 17900	2295	3242	3736	4174	4591
17901 — 17950	2299	3247	3742	4180	4598
17951 — 18000	2303	3253	3748	4187	4606
18001 — 18050	2306	3258	3755	4194	4613
18051 — 18100	2310	3263	3761	4201	4621
18101 — 18150	2314	3269	3767	4207	4628
18151 — 18200	2318	3274	3773	4214	4635
18201 — 18250	2322	3279	3779	4221	4643
18251 — 18300	2326	3285	3785	4228	4650
18301 — 18350	2330	3290	3791	4234	4658
18351 — 18400	2334	3296	3797	4241	4665
18401 — 18450	2338	3301	3803	4248	4673
18451 — 18500	2341	3306	3809	4255	4680
18501 — 18550	2345	3312	3815	4261	4687
18551 — 18600	2349	3317	3821	4268	4695
18601 — 18650	2353	3322	3827	4275	4702
18651 — 18700	2357	3328	3833	4282	4710
18701 — 18750	2361	3333	3839	4288	4717
18751 — 18800	2365	3339	3845	4295	4725
18801 — 18850	2369	3344	3851	4302	4732
18851 — 18900	2373	3349	3857	4309	4740
18901 — 18950	2376	3355	3863	4315	4747
18951 — 19000	2380	3360	3869	4322	4754
19001 — 19050	2384	3365	3875	4329	4762
19051 — 19100	2388	3371	3882	4336	4769
19101 — 19150	2392	3376	3888	4342	4777
19151 — 19200	2396	3381	3894	4349	4784
19201 — 19250	2400	3387	3900	4356	4792
19251 — 19300	2404	3392	3906	4363	4799
19301 — 19350	2408	3398	3912	4369	4806
19351 — 19400	2411	3403	3918	4376	4814
19401 — 19450	2415	3408	3924	4383	4821
19451 — 19500	2419	3414	3930	4390	4829
19501 — 19550	2423	3419	3936	4396	4836
19551 — 19600	2427	3424	3942	4403	4844

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
19601 — 19650	2431	3430	3948	4410	4851
19651 — 19700	2435	3435	3954	4417	4858
19701 — 19750	2439	3441	3960	4423	4866
19751 — 19800	2443	3446	3966	4430	4873
19801 — 19850	2446	3451	3972	4437	4881
19851 — 19900	2450	3457	3978	4444	4888
19901 — 19950	2454	3462	3984	4450	4896
19951 — 20000	2458	3467	3990	4457	4903
20001 — 20050	2462	3473	3996	4464	4910
20051 — 20100	2466	3478	4002	4471	4918
20101 — 20150	2470	3483	4009	4477	4925
20151 — 20200	2474	3489	4015	4484	4933
20201 — 20250	2478	3494	4021	4491	4940
20251 — 20300	2481	3500	4027	4498	4948
20301 — 20350	2485	3505	4033	4505	4955
20351 — 20400	2489	3510	4039	4511	4962
20401 — 20450	2493	3516	4045	4518	4970
20451 — 20500	2497	3521	4051	4525	4977
20501 — 20550	2501	3526	4057	4532	4985
20551 — 20600	2505	3532	4063	4538	4992
20601 — 20650	2509	3537	4069	4545	5000
20651 — 20700	2513	3543	4075	4552	5007
20701 — 20750	2516	3548	4081	4559	5014
20751 — 20800	2520	3553	4087	4565	5022
20801 — 20850	2524	3559	4093	4572	5029
20851 — 20900	2528	3564	4099	4579	5037
20901 — 20950	2532	3569	4105	4586	5044
20951 — 21000	2536	3575	4111	4592	5052
21001 — 21050	2540	3580	4117	4599	5059
21051 — 21100	2544	3586	4123	4606	5066
21101 — 21150	2548	3591	4129	4613	5074
21151 — 21200	2551	3596	4135	4619	5081
21201 — 21250	2555	3602	4142	4626	5089
21251 — 21300	2559	3607	4148	4633	5096
21301 — 21350	2563	3612	4154	4640	5104
21351 — 21400	2567	3618	4160	4646	5111
21401 — 21450	2571	3623	4166	4653	5118
21451 — 21500	2575	3628	4172	4660	5126
21501 — 21550	2579	3634	4178	4667	5133
21551 — 21600	2583	3639	4184	4673	5141
21601 — 21650	2586	3645	4190	4680	5148

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
21651 — 21700	2590	3650	4196	4687	5156
21701 — 21750	2594	3655	4202	4694	5163
21751 — 21800	2598	3661	4208	4700	5170
21801 — 21850	2602	3666	4214	4707	5178
21851 — 21900	2606	3671	4219	4712	5183
21901 — 21950	2610	3676	4224	4717	5188
21951 — 22000	2614	3681	4228	4722	5193
22001 — 22050	2617	3685	4233	4726	5197
22051 — 22100	2621	3690	4238	4731	5202
22101 — 22150	2625	3695	4242	4736	5207
22151 — 22200	2629	3700	4247	4741	5212
22201 — 22250	2633	3705	4252	4745	5216
22251 — 22300	2637	3709	4257	4750	5221
22301 — 22350	2641	3714	4261	4755	5226
22351 — 22400	2644	3719	4266	4759	5231
22401 — 22450	2648	3724	4271	4764	5235
22451 — 22500	2652	3729	4275	4769	5240
22501 — 22550	2656	3733	4280	4774	5245
22551 — 22600	2660	3738	4285	4778	5250
22601 — 22650	2664	3743	4289	4783	5254
22651 — 22700	2668	3748	4294	4788	5259
22701 — 22750	2671	3753	4299	4792	5264
22751 — 22800	2675	3757	4303	4797	5269
22801 — 22850	2679	3762	4308	4802	5273
22851 — 22900	2683	3767	4313	4807	5278
22901 — 22950	2687	3772	4317	4811	5283
22951 — 23000	2691	3777	4322	4816	5288
23001 — 23050	2695	3781	4327	4821	5292
23051 — 23100	2698	3786	4332	4825	5297
23101 — 23150	2702	3791	4336	4830	5302
23151 — 23200	2706	3796	4341	4835	5307
23201 — 23250	2710	3801	4346	4840	5311
23251 — 23300	2714	3805	4350	4844	5316
23301 — 23350	2718	3810	4355	4849	5321
23351 — 23400	2722	3815	4360	4854	5326
23401 — 23450	2725	3820	4364	4859	5330
23451 — 23500	2729	3825	4369	4863	5335
23501 — 23550	2733	3829	4374	4868	5340
23551 — 23600	2737	3834	4378	4873	5345
23601 — 23650	2741	3839	4383	4877	5349
23651 — 23700	2745	3844	4388	4882	5354

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
23701 — 23750	2749	3849	4392	4887	5359
23751 — 23800	2752	3853	4397	4892	5364
23801 — 23850	2756	3858	4402	4896	5369
23851 — 23900	2760	3863	4407	4901	5373
23901 — 23950	2764	3868	4411	4906	5378
23951 — 24000	2768	3873	4416	4910	5383
24001 — 24050	2772	3877	4421	4915	5388
24051 — 24100	2776	3882	4425	4920	5392
24101 — 24150	2779	3887	4430	4925	5397
24151 — 24200	2783	3892	4435	4929	5402
24201 — 24250	2787	3897	4439	4934	5407
24251 — 24300	2791	3901	4444	4939	5411
24301 — 24350	2795	3906	4449	4943	5416
24351 — 24400	2799	3911	4453	4948	5421
24401 — 24450	2803	3916	4458	4953	5426
24451 — 24500	2806	3921	4463	4958	5430
24501 — 24550	2810	3925	4467	4962	5435
24551 — 24600	2814	3930	4472	4967	5440
24601 — 24650	2818	3935	4477	4972	5445
24651 — 24700	2822	3940	4482	4976	5449
24701 — 24750	2826	3945	4486	4981	5454
24751 — 24800	2830	3949	4491	4986	5459
24801 — 24850	2833	3954	4496	4991	5464
24851 — 24900	2837	3959	4500	4995	5468
24901 — 24950	2841	3964	4505	5000	5473
24951 — 25000	2845	3969	4510	5005	5478

[Court Order March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; September 3, 2021, effective January 1, 2022]

Rule 9.27 Child Support Guidelines Worksheets.
Rule 9.27 — Form 1: *Child Support Guidelines Worksheet.*

Form 1

Child Support Guidelines Worksheet

Docket no: _____

I. Net Monthly Income of Petitioner (Name) _____

Select one: [ ] Custodial Parent [ ] Noncustodial Parent [ ] Joint Physical Care

Petitioner claims _____child/children as tax dependents (list number claimed).

A. Sources and Amounts of Annual Income:

_____	$_____	
_____	$_____	
plus/minus spousal support payments per rule 9.5(1) _____	$_____	
Total:		$_____

B. 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) $ _____		
less personal and dependent credits < _____ >		
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 (For employees not contributing to Social Security, mandatory pension deduction not to exceed the current Social Security and Medicare rate for employees.)		<_____>

E. Other Deductions (Annual):

1. Mandatory occupational license fees	<_____>
2. Union dues	<_____>
3. Health insurance premium costs for other children not in the pending matter (*See* rule 9.5(2)(*f*).)	<_____>
4. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.	<_____>
5. Deduction for _____ additional qualified dependents	<_____>

6. If a custodial parent, Petitioner's child care expenses (No deduction allowed if variance granted under rule 9.11A.)	$_____	
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 $_____
Preliminary Average Monthly Income of Petitioner $_____
7. Monthly cash medical support ordered in this pending action <_____>
Adjusted Net Monthly Income of Petitioner (Preliminary Average Monthly Income minus Monthly Cash Medical Support ordered in this action.) $_____

II. Net Monthly Income of Respondent (Name) _____
Select one: [ ] Custodial Parent [ ] Noncustodial Parent [ ] Joint Physical Care
Respondent claims _____ child/children as tax dependents (list number claimed).

A. Sources and Amounts of Annual Income:

_____ $_____
_____ $_____
plus/minus spousal support payments per rule 9.5(1) $_____
Total: <_____>

B. 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) $ _____
less personal and dependent credits < _____ >
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
(For employees not contributing to Social Security, mandatory pension deduction not to exceed the current Social Security and Medicare rate for employees.) <_____>

E. Other Deductions (Annual):

1. Mandatory occupational license fees <_____>
2. Union dues <_____>
3. Health insurance premium costs for other children not in the pending matter (*See* rule 9.5(2)(*f*).) <_____>
4. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter. <_____>
5. Deduction for _____ additional qualified dependents <_____>
6. If a custodial parent, Respondent's child care expenses $_____
(No deduction allowed if variance granted under rule 9.11A.)

less federal child care tax credit < >
less state child care tax credit < >
Actual child care expenses, as defined in rule 9.11A < >
Preliminary Net Annual Income $
Preliminary Average Monthly Income of Respondent $
7. Monthly cash medical support ordered in this pending action < >
Adjusted Net Monthly Income of Respondent (Preliminary average monthly income minus monthly cash medical support ordered in this action.) $

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	$	+	$	=	$
B.	Proportional share of income (Also used for uncovered medical expenses.)	%	+	%	=	100%
C.	Number of children for whom support is sought					
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		+/-	$		
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)			$		

III. a. Extraordinary Visitation Credit
(Complete only if noncustodial parent's court-ordered visitation exceeds 127 overnights per year.)

K.	NCP's basic support obligation before health insurance (Amount from NCP's line G.)	$
L.	Number of court-ordered visitation overnights with the noncustodial parent	
M.	Extraordinary visitation credit percentage	%
N.	Extraordinary visitation credit (Line K multiplied by line M.)	$
O.	Guideline amount of child support after credit for extraordinary visitation (Line J minus line N; not less than $50 for one child, $75 for two children, or $100 for three or more children.)	$

III. b. Child Care Expense Variance under rule 9.11A
(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.)	$ _____

IV. Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support (If applicable.)

		Petitioner CP 1		Respondent CP 2		Combined
A.	Adjusted net monthly income	$ _____	+	$ _____	=	$ _____
B.	Proportional share of income (Also used for uncovered medical expenses.)	_____ %		_____ %	=	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. 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.)	$ _____		$ _____		
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.	$ _____		$ _____		
I.	Health insurance add-on to each parent's obligation (*see* rule 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.) $ _____ $ _____

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 divided physical care summary and offset

Guideline amount of child support Petitioner	Guideline amount of child support Respondent	Net amount of child support after offset
$ _____	$ _____	$ _____

VI. Changes in Child Support Obligation as Number of Children Entitled to Support Changes
(For cases with multiple children based on present income and applicable guidelines calculation method.)

VI. a. Basic Obligation (If applicable.)

Number of children	NCP's basic support obligation (NCP's line G)*	Health insurance add-on or deduction (NCP's line I)*	Extraordinary visitation credit (If applicable) (line N)*	Guideline amount of child support (line J or O)*
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____

*(All line references are to Division III, Calculation of the Guideline Amount of Child Support section of the worksheet.)

VI. b. Joint (Equally Shared) Physical Care Obligation (If applicable.)

Number of children	Guideline amount of child support Petitioner (CP 1 Line J)*	Guideline amount of child support Respondent (CP 2 Line J)*	Net amount of child support for joint physical care after offset (Line K)*
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____

*(All line references are to Division IV, Calculation of the Joint [Equally Shared] Physical Care Guideline Amount of Child Support section of the worksheet.)

State of Iowa
ss:
County of _____

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

Date: _____ _____
(Signature)

_____
(Printed name)

The undersigned attorney for (Petitioner/Respondent) hereby certifies that this Child Support Guidelines Worksheet was prepared by me or at my direction in good faith reliance upon information available to me at this time.

Date: _____ _____
(Attorney signature)

[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; September 3, 2021, effective January 1, 2022]

Rule 9.27 — Form 2: *Child Support Guidelines Worksheet.*

Form 2
Child Support Guidelines Worksheet

Date:_____

Case no.: _____ Dependents: _____

Docket no.: _____

Name:	Name:
( ) Noncustodial Parent [NCP] ( ) Custodial Parent [CP]	( ) Noncustodial Parent [NCP] ( ) Custodial Parent [CP]
Method(s) used to determine income:	Method(s) used to determine income:
( ) Parent's financial statement/verified income	( ) Parent's financial statement/verified income
( ) Other sources	( ) Other sources
( ) CSS median income	( ) CSS median income

I. Adjusted Net Monthly Income Computation

		Custodial Parent* _____ (name)	**Noncustodial Parent*** _____ (name)
A.	Gross monthly income	$	$
B.	Federal income tax	$	$
C.	State income tax	$	$
D.	Social Security and Medicare tax / mandatory pension deduction	$	$
E.	Mandatory occupational license fees deduction	$	$
F.	Union dues	$	$
G.	Health insurance premium costs for other children not in the pending matter (*See* rule 9.5(2)(*f*).)	$	$
H.	Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter	$	$
I.	Qualified additional dependent deductions	$	$
J.	Actual child care expenses, as defined in rule 9.11A, for the custodial parent* (No deduction allowed if variance granted under rule 9.11A.)	$	$
K.	Preliminary net income for each parent (Line A minus lines B through J for each parent.)	$	$
L.	Cash medical support, if ordered in this pending matter	$	$
M.	Adjusted net monthly income (Line K minus line L.) (Amount used to calculate the guideline amount of child support.)	**$**	**$**

*(In cases of joint physical care, use names only and designate both parents as custodial parents.)

II. Calculation of the Guideline Amount of Support (If applicable.)

		Custodial Parent (CP) _____ (name)		Noncustodial Parent (NCP) _____ (name)		Combined
A.	Adjusted net monthly income	$ _____	+	$ _____	=	$ _____
B.	Proportional share of income (Also used for uncovered medical expenses.)	_____ %	+	_____ %	=	100%
C.	Number of children for whom support is sought					_____
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 from 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	+/-		$ _____		
J.	Guideline amount of child support for NCP (NCP's line G plus or minus NCP's line I.)			$ _____		

II. a. Extraordinary Visitation Credit

Complete only if noncustodial parent's court-ordered visitation exceeds 127 overnights per year.

K.	NCP's basic support obligation before health insurance (Amount from NCP's line G.)	$ _____
L.	Number of court-ordered visitation overnights with the noncustodial parent	_____
M.	Extraordinary visitation credit percentage	_____ %
N.	Extraordinary visitation credit (Line K multiplied by line M.)	$ _____
O.	Guideline amount of child support (after credit for extraordinary visitation) (Line J minus line N; not less than $50 for one child, $75 for two children, or $100 for three or more children.)	$ _____

II. b. Child Care Expense Variance under rule 9.11A
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 _____ (name)		CP 2 _____ (name)		Combined
A.	Adjusted net monthly income	$ _____	+	$ _____	=	$ _____
B.	Proportional share of income (Also used for uncovered medical expenses.)	_____ %		_____ %	=	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. 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.)	$ _____		$ _____		
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.)	$ _____		$ _____		
I.	Health insurance add-on to each parent's obligation (*See* rule 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.)	$ _____	$ _____

IV. Deviations (*See* attachment.)

V. a. Recommended Amount of Support $_____ per _____

V. b. Recommended Amount of Accrued Support $_____ (*See* attachment.)

VI. Changes in Child Support Obligation as Number of Children Entitled to Support Changes
(For cases with multiple children based on present income and applicable guidelines calculation method.)

VI. a. Basic Obligation (If applicable.)

Number of children	NCP's basic support obligation (NCP's line G)*	Health insurance add-on or deduction (NCP's line I)*	Extraordinary visitation credit (If applicable.) (Line N)*	Guideline amount of child support (Line J or O)*
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____	$ _____

*(All line references are to Division II, Calculation of the Guideline Amount of Support section of the worksheet.)

VI. b. Joint (Equally Shared) Physical Care Obligation (If applicable.)

Number of children	Guideline amount of child support _____ (name) (CP 1 line J)*	Guideline amount of child support _____ (name) (CP 2 line J)*	Net amount of child support for joint physical care after offset (line K)*
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____
_____	$ _____	$ _____	$ _____

*(All line references are to Division III, Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support section of the worksheet.)

VII. Qualified Additional Dependent Deduction (*See* guidelines for the definition of this term.)

			Paternity Establishment Method			
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 the laws of the state of Iowa that the preceding is true and correct.

Date: _____ _____
(Signature)

_____
(Printed name)

The undersigned attorney for_____hereby certifies that this Child Support Guidelines Worksheet was prepared by me or at my direction in good faith reliance upon information available to me at this time.

Date: _____ _____
(Attorney signature)

If Child Support Services prepared this form, CSS is not required to obtain signatures. This Child Support Guidelines Worksheet was prepared by:

_____
(CSS 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; September 3, 2021, effective January 1, 2022; October 26, 2023]

Rule 9.27 — Form 3: *Child Support Guidelines Financial Information Statement.*

Form 3
Child Support Financial Information Statement

Case Identifying Information		
Full name (first, middle, last)		
County and court docket number	County,	No.
Children on this case (attach additional page if needed)	*Initials*	*Birth year*
Child 1		
Child 2		
Your marital status:	Single	Married

Income		
Are you now employed?	Yes	No
Are you self-employed?	Yes	No
Are you full- or part-time?	Full-time	Part-time
Are you salaried or hourly?	Salaried	Hourly
What is your pay rate?	$	per hour / week / month / year
How many hours do you work?		per week / month / year
Do you earn overtime?	Yes	No
What is your overtime pay rate?	$	per hour
How many overtime hours do you work?		per week / month / year
Do you receive regular bonuses or commissions?	Yes	No
In what amounts and how often?	$	per week / month / year
Do you have any second or part-time jobs?	Yes	No
What is your pay rate?	$	per hour / week / month / year
How many hours do you work?		per week / month / year
Do you *receive* spousal support?	Yes	No
In what amounts and how often?	$	per week / month / year
Under what county and state court order?	County,	No.
Do you regularly receive any other monetary amounts?	Yes	No
From what sources?		
In what amounts and how often?	$	per week / month / year

Deductions		
Do you *pay* spousal support?	Yes	No
In what amounts and how often?	$	per week / month / year
Under what county and state court order?	County,	No.
Do you make mandatory pension contributions?	Yes	No
In what amounts and how often?	$	per week / bi-week / month / year
Do you pay mandatory occupational license fees?	Yes	No
In what amounts and how often?	$	per week / bi-week / month / year

Deductions (continued)		
Do you pay union dues?	Yes	No
In what amounts and how often?	$ per week / bi-week / month / year	
Do you pay *ongoing* medical support for other minor children?	Yes	No
Which children? (initials and birth year only)		
In what amounts and how often?	$ per week / month / year	
Under what county and state court order?	County,	No.
How much have you actually paid in last year?	$	
Do you pay *ongoing* child support for other minor children?	Yes	No
Which children? (initials and birth year only)		
In what amounts and how often?	per week / month / year	
Under what county and state court order?	County,	No.
When was the order originally entered?		
How much have you actually paid in last year?	$	
Do you pay child care expenses for this case's children?	Yes	No
In what amounts and how often?	$ per week / month / year	

Other Children		
Do you have other minor children (not stepchildren)?	Yes	No
Child's Initials (attach additional page if needed)	*Child's birth year*	*Are you legally responsible?* *
Child 1:		
Child 2:		

** To be legally responsible means that you either (1) gave birth to the child, (2) adopted the child, (3) were married to the birth mother when the child was conceived or born, (4) executed a paternity affidavit, or (5) were found and ordered responsible in an administrative or judicial order.*

Health Insurance and Health Care Coverage Plans		
Do you have a health care coverage plan available?	Yes	No
What is the cost for just you? (*single plan*)	$ per week / bi-week / month	
What is the cost to cover additional people? (*family plan*)	$ per week / bi-week / month	
Does your plan cover other people?	Yes	No
Including you, how many people does your plan cover?		
Do you have the children enrolled in Hawki?	Yes	No
What is your total monthly Hawki premium?	$	
Do you have the children enrolled in Medicaid?	Yes	No
Do you receive FIP or Medicaid?	Yes	No
Do you live with a child receiving FIP, Medicaid, or Hawki?	Yes	No

Pursuant to Iowa Code §622.1, I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information provided on this form is true and correct to the best of my information and belief.

Signed:_____ Date: _____

[Court Order September 3, 2021, effective January 1, 2022; October 26, 2023]

CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS OF THE GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

GRIEVANCE COMMISSION

ATTORNEY DISCIPLINARY BOARD

GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

REINSTATEMENT FROM SUSPENSION

READMISSION AFTER REVOCATION

CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS OF THE GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

GRIEVANCE COMMISSION

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 three three-year terms, and no member who has served three 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, an 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; September 19, 2022, effective October 1, 2022; December 12, 2023, effective January 1, 2024]

Rule 34.2 Grievance commission; vice chair duties. The executive director of the office of professional regulation must designate a clerk and an assistant clerk for the grievance commission. The executive 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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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 executive 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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

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 attorneys 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, an attorney against whom an ethical complaint is filed. To avoid even the appearance of impropriety, a disciplinary board member should not represent an 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 director of attorney discipline of the office of professional regulation is the principal executive officer of the board. A reference in this chapter to the "director" refers to the director of attorney discipline of the office of professional regulation. The 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 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 executive 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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

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 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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

Rule 34.10 Jurisdiction.

34.10(1) *Attorneys admitted to practice.* An 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, an attorney an Iowa court specially admits for a particular proceeding, and an 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; December 12, 2023, effective January 1, 2024]

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 executive director, 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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

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; December 12, 2023, effective January 1, 2024]

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) An 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 34.24 or 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 must, within ten days, transmit a certified record of the proceedings to the disciplinary board.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; December 12, 2023, effective January 1, 2024]

Rule 34.16 Suspension or revocation on consent.

34.16(1) An attorney subject to investigation by the disciplinary board or the Iowa Supreme Court Client Security Commission (client security commission) or subject to a pending grievance proceeding involving allegations of misconduct subject to disciplinary action may acquiesce to suspension or revocation 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 revocation. 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 and file a copy with the client security commission. 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 public.

[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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

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

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.

34.17(2) *Suspension procedure.* Upon the disciplinary board's 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 is 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. The supreme court may take judicial notice of any relevant proceedings. Any hearing will be informal and the strict rules of evidence will not apply. The supreme court may hold the hearings remotely or by telephone. 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) *Judicial officer retirement for disability.* 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) *Prohibition on practice of law.* An 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) *Supreme court order.* 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) *Appointment of trustee.*

a. Upon being notified of the suspension of an attorney, the chief judge in the judicial district in which the attorney practiced may appoint the client security commission, 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 other than the client security commission itself 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. Upon termination of the trusteeship or upon request of the client security commission, any undistributed client files may be ordered immediately destroyed.

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) *Application for reinstatement to active status.* 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 from disability suspension, 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) *Waiver of doctor-patient privilege.* 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 from disability suspension 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 expert requests.

34.17(9) *Supreme court reinstatement.* 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; September 14, 2021, effective October 1, 2021; July 11, 2023; December 12, 2023, effective January 1, 2024; January 26, 2024]

Rule 34.18 Death, suspension, or disbarment of practicing attorney.

34.18(1) Upon a client security commission determination or 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 or the client security commission 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 of an attorney as trustee 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. Upon termination of the trusteeship or upon request of the client security commission, any undistributed client files may be ordered immediately destroyed.

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; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

Rule 34.19 Reciprocal discipline.

34.19(1) An 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 ten 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. Rules 34.24 and 34.25 apply to any subsequent reinstatement or reduction or stay of discipline.

[Court Order January 26, 2016, effective April 1, 2016; December 12, 2023, effective January 1, 2024]

Rule 34.20 Administrative 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 administrative 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 Child Support Services (CSS) with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, 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 CSS to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney may challenge CSS'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 CSS 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, CSS, and the office of professional regulation.

b. Prior to the hearing, the district court must receive a certified copy of CSS's written decision and certificate of noncompliance from CSS 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 CSS erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of certificate of noncompliance, the district court will order CSS to file a withdrawal of certificate of noncompliance with the office of professional regulation.

34.20(3) *Noncompliance certificate withdrawn.* If CSS 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 $200 reinstatement fee.

34.20(4) *Sharing information.* Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share information with CSS for the sole purpose of allowing CSS to identify attorneys subject to enforcement under Iowa Code chapter 252J or 598.

34.20(5) *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. CSS 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 office of professional regulation are authorized to share information with CSS for the sole purpose of allowing CSS to identify licensees 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; September 14, 2021, effective October 1, 2021; June 30, 2023, effective July 1, 2023; December 12, 2023, effective January 1, 2024]

Rule 34.21 Administrative 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 administrative 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 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.

34.21(4) *Sharing information.* Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of

allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

34.21(5) *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.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

Rule 34.22 Administrative 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 administrative 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 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 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.

34.22(5) *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.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021; December 12, 2023, effective January 1, 2024]

Rule 34.23 Suspension and revocation generally.

34.23(1) *Timing of suspension.* When 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. If the suspension is pursuant to rule 36.21, the suspension period will start ten days from the date of the suspension order unless the supreme court orders otherwise. The suspension period for all other suspensions begins on the same day as the suspension order unless the supreme court orders otherwise.

34.23(2) *Post-suspension requirements.* An attorney who is ordered to be suspended must do the following within ten days of the filing date of the suspension order as conditions for reinstatement to practice:

a. File a notice of license suspension in each pending or active matter in every court, agency, or tribunal where the attorney is listed as counsel of record. The notice of license suspension must include the date of the start of the term of suspension, the ordered duration of suspension, and a statement that the attorney cannot represent the client until the supreme court issues an order reinstating the attorney's license.

b. Send each of the attorney's active clients written notice of the following:

(1) The attorney's license is suspended and the attorney cannot provide legal advice or representation to the client until the supreme court has reinstated the attorney's license.

(2) The client should seek legal advice and representation elsewhere, calling attention to the client's need for any urgency in seeking representation from another attorney.

(3) The client has the right to retrieve the client's file, papers, and any other client property in the attorney's possession.

(4) The client has a right to a refund of fees paid in advance that have not been earned and stating the amount of the client's unearned fees.

c. Send the client security commission a copy of the attorney's or firm's balanced monthly triple reconciliation for the prior month for each trust account in which client funds are held, including copies of the bank statement for the month, the check register, and subaccount ledgers indicating the amount of funds in the trust account that belong to each client.

d. A copy of each notice sent pursuant to rules 34.23(2)(*a*) and (*b*) must be filed with the disciplinary board within 15 days of the effective date of the suspension. Failure to timely file the notices may be considered a separate disciplinary violation.

34.23(3) *Post-revocation requirements.* When an attorney's license is revoked, the attorney must do the following as conditions for readmission to practice:

a. Within ten days of the filing date of the revocation order, send each client on the attorney's active client list written notice of the following:

(1) The attorney's license has been revoked and the attorney can no longer provide legal advice or representation to the client.

(2) The client needs to seek legal advice and representation elsewhere, calling attention to the client's need for any urgency in seeking representation from another attorney.

(3) The client needs to retrieve the client's file, papers, and any other client property in the attorney's possession.

(4) The client will be refunded any fees paid in advance that have not been earned and stating the amount of the client's unearned fees.

b. Within 30 days of the date of the revocation order:

(1) Return all client files, papers, and any other client property in the attorney's possession.

(2) Return all funds owed to each client.

c. Send the client security commission a copy of the attorney's or firm's balanced monthly triple reconciliation for the prior month for each trust account in which client funds are held, including copies of the bank statement for the month, the check register, and subaccount ledgers indicating the amount of funds in the trust account that belong to each client.

d. A copy of each notice sent pursuant to rules 34.23(3)(*a*) and (*b*) must be filed with the disciplinary board within 15 days of the effective date of the revocation. Failure to timely file the notices may be considered a separate disciplinary violation.

34.23(4) *Activities during suspension.* A suspended attorney must refrain during such suspension from all facets of ordinary law practice including, but not limited to, the following: 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 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.

34.23(5) *Employment of suspended attorneys.* 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 and client security commission 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; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022; December 12, 2023, effective January 1, 2024]

REINSTATEMENT FROM SUSPENSION

Rule 34.24 Procedure for reinstatement from suspension of 60 days or fewer. Unless another rule or court order states to the contrary, an attorney whose license to practice law in this state has been suspended for a period not exceeding 60 days may apply for reinstatement subject to the following rules.

34.24(1) *Application for reinstatement without hearing.* An attorney whose license has been suspended for a period not exceeding 60 days must file an application for reinstatement without hearing with the supreme court clerk, accompanied with a certification from the office of professional regulation that confirms the following:

a. The attorney has completed all of the requirements for reinstatement set forth in the supreme court's suspension order.

b. 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, and the attorney has completed all continuing legal education requirements under chapters 41 and 42 of the Iowa Court Rules.

c. The attorney has complied with the notice requirements of rule 34.23(2).

d. The attorney is not subject to any denial of reinstatement pursuant to rule 34.20(5), 34.21(5), or 34.22(5).

e. The attorney is not subject to any other suspension orders.

f. The attorney has paid a $200 reinstatement from suspension fee.

34.24(2) *Objection; hearing.* The disciplinary board or client security commission may file and serve within the suspension period an objection to reinstatement of the attorney without hearing.

a. The filing of an objection stays reinstatement until the supreme court orders otherwise.

b. 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. If the disciplinary board or the client security commission do not object to reinstatement, the attorney may be reinstated without hearing.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; December 12, 2023, effective January 1, 2024]

Rule 34.25 Procedure for reinstatement from suspension of more than 60 days. An attorney whose license to practice law in this state has been suspended for a period exceeding 60 days may apply for reinstatement subject to the following rules.

34.25(1) *Application for reinstatement.* A proceeding for reinstatement to the practice of law in Iowa must be commenced by written application for reinstatement to the supreme court filed with the supreme court clerk no sooner than 60 days prior to expiration of the suspension period. The application for reinstatement must include the following:

a. The date of the applicant's original admission, the date and duration of suspension, and a statement that the applicant has completed all requirements for reinstatement set forth in the supreme court's suspension order.

b. Verification by the oath of the applicant as to the truth of the statements made in the application.

c. 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 three Iowa attorneys in good standing who are in active status and currently practicing law. The recommendations may not be from judges or magistrates.

d. 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, has paid all costs assessed under rule 36.24, has complied with the notice requirements of rule 34.23(2), and has paid a $200 reinstatement from suspension fee.

e. 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 notice containing the date of 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 executive director of the office of professional regulation.

b. The county attorney for the county in which the applicant currently resides.

c. The director of the disciplinary board.

d. The director of the client security commission.

e. The chief judge of each judicial district.

f. The executive director of The Iowa State Bar Association.

34.25(3) *Written statements.* After receipt of the notice and before the date fixed for hearing, any person or entity 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 file with the court and serve the opposing party 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 upon good cause shown.

34.25(5) *Hearing.* The supreme court will designate the time and place of the hearing. 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.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021; June 30, 2023, effective July 1, 2023; December 12, 2023, effective January 1, 2024]

Rule 34.26 Procedure for reinstatement from administrative suspension for failure to file annual forms and pay fees.

34.26(1) *Eligibility for reinstatement.* An attorney suspended pursuant to Iowa Court Rule 39.8(2) or 41.5(1) for failing to pay annual fees, complete required continuing legal education, or file required annual reports, statements, supplements, or questionnaires, must comply with the following requirements before being eligible for reinstatement:

a. Complete all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year.

b. File the statement required by rule 39.8(1) and the questionnaire required by rule 39.11.

c. Pay all delinquent fees, assessments, and late filing penalties due under rules 39.5, 39.6, 39.8, 39.17, and 41.4.

d. Pay a reinstatement from suspension fee of $200.

34.26(2) *Office of professional regulation request for reinstatement.* If the attorney complies with the requirements of rule 34.26(1) within ten days of the date of the suspension order, the office of professional regulation will file with the supreme court a request for reinstatement, which will include the date that the attorney was in compliance. If the office of professional regulation certifies that the attorney was in compliance with rule 34.26(1) within ten days of the date of the suspension order, the notice requirements of rule 34.23(2) for reinstatement do not apply. The supreme court will enter an order reinstating the attorney without further application or hearing.

34.26(3) *Application for reinstatement without hearing.* Application for reinstatement without hearing.

a. If the attorney did not comply with rule 34.26(1) within 10 days from the date of suspension, the notice requirements of rule 34.23(2) apply. To be reinstated, the attorney must file an application for reinstatement without hearing with the supreme court clerk, which includes a certification from the office of professional regulation that:

(1) The attorney has completed all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year.

(2) The attorney has filed the statement required by rule 39.8(1) and the questionnaire required by rule 39.11.

(3) The attorney has paid all delinquent fees, assessments, and late filing penalties due under rules 39.5, 39.6, 39.8, 39.17, and 41.4.

(4) The attorney has paid the reinstatement from suspension fee of $200.

(5) The attorney has complied with the requirements of rule 34.23(2).

(6) The attorney is not subject to any denials of reinstatement pursuant to rule 34.20(5), 34.21(5), or 34.22(5).

b. Within seven days of the filing of the application for reinstatement without hearing either the disciplinary board or client security commission may file and serve an objection to reinstatement of the attorney without hearing. The filing of an objection stays 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.

c. The supreme court will not order reinstatement until all costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of rules 39.17 and 41.10(2) are satisfied.

[Court Order December 12, 2023, effective January 1, 2024]

READMISSION AFTER REVOCATION

Rule 34.27 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 34.27, "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."

34.27(1) *Prefiling 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 a $525 administrative fee to the Iowa Board of Law Examiners (board of law examiners).

34.27(2) *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 office of professional regulation.

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 34.23(3) and any supreme court orders, opinions, 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 Iowa 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 and that the applicant has completed all continuing legal education for the years the applicant's license was revoked through the end of the calendar year, up to a maximum of 100 hours.

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.

g. Include satisfactory proof that the applicant, prior to filing the application, has complied with the prefiling requirements of rule 34.27(1).

34.27(3) *Iowa Board of Law Examiners' report.* After the application for readmission is filed with the supreme court clerk, the board of law examiners will file a report and recommendation with the supreme court regarding the applicant's character and fitness. The board of law examiners will file its report and recommendations within 30 days of its receipt of the final results of the National Conference of Bar Examiners' report referenced in the prefiling requirements of rule 34.27(1).

34.27(4) *Supreme court actions on application.*

a. Upon filing of the report and recommendation of the board of law examiners, the supreme court will review the application for readmission from the revoked attorney and the report and recommendation of the board of law examiners.

b. 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 34.27(5).

c. 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 report of the board of law examiners.

d. 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.

34.27(5) *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 executive director of the office of professional regulation.

b. The county attorney for the county in which the applicant currently resides.

c. The director of attorney discipline of the office of professional regulation.

d. The director of the client security commission.

e. The chief judge of each judicial district.

f. The executive director of The Iowa State Bar Association.

34.27(6) *Written statements.* Any person or entity may submit to the supreme court clerk written statements of fact and comments regarding the applicant's current fitness to practice law.

34.27(7) *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.

34.27(8) *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.

34.27(9) *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 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.

34.27(10) *Applicability of rules to attorneys permanently enjoined from practicing law in Iowa.* Rule 34.27 also applies 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 this rule, and their applications will be processed in the same manner.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021; June 30, 2023, effective July 1, 2023; December 12, 2023, effective January 1, 2024]

CHAPTER 35
IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD
RULES OF PROCEDURE

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 a copy of chapter 35 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; July 11, 2023]

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 34.17.

e. If the disciplinary board seeks to continue the suspension under the provisions of Iowa Court Rule 34.14, 34.15, or 34.17, 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, and the office of professional regulation certifies that the attorney has paid the reinstatement fee, the supreme court may 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 $200 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; July 11, 2023; December 12, 2023, effective January 1, 2024]

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 subpoena 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 use 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; January 26, 2024]

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 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 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 use 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 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; September 19, 2022, effective October 1, 2022; January 26, 2024]

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. _____ _____
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: _____
Name

_____ _____ _____ _____
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?_____

_____

4. If your complaint is about a lawsuit or court case, answer the following:

A. Name of court: _____
Examples: Iowa District Court for Polk County; United States District Court for Northern District of Iowa

B. Case title: _____
Examples: Smith vs. Jones; State vs. Doe

C. Case no. _____

5. Type or write neatly on one or more separate sheets of paper a detailed factual statement 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.

_____ _____, 20_____ _____
Month *Day* *Year* *Your Signature*

Send 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

January 2016 Rule 35.15—Form 1 Page 1 of 1

[Court Order January 26, 2016, effective April 1, 2016]

CHAPTER 42
REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

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 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 use disorders or mental health in general.

(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 22, 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; January 26, 2024]

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, at least one hour of these 15 hours must be devoted specifically to the area of legal ethics and at least one hour 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; September 14, 2021, effective October 1, 2021]

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 includes hours devoted specifically to legal ethics, attorney wellness, and diversity and inclusion 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; December 12, 2023, effective January 1, 2024]

Rule 42.8 Staff. The executive director of the office of professional regulation may designate a director of 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; September 14, 2021, effective October 1, 2021]

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 61
IOWA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN JUVENILE COURT

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.

Commentary

[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.

Commentary

[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.

Commentary

[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 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.

[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.

Commentary

[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 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.

[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, Foster Care Services 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.

Commentary

[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.

Commentary

[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.

Commentary

[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 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.

[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 health and 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).

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CHAPTER 62
IOWA STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING CHILDREN IN CUSTODY CASES

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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.

Commentary

[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.

Commentary

[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.

Commentary

[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

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

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.

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 use disorder.

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; January 26, 2024]

CHAPTER 63
IOWA STANDARDS OF PRACTICE FOR CHILD AND FAMILY REPORTERS IN CHILD CUSTODY CASES

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 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.

[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 health and 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; June 30, 2023, effective July 1, 2023; January 26, 2024]

CHAPTER 70
IOWA RULES OF JUVENILE COURT SERVICES DIRECTED PROGRAMS

PREAMBLE

DIVISION I
DEFINITIONS

DIVISION II
GENERAL PROVISIONS

DIVISION III
NONCONTRACTED/COURT-ORDERED SERVICES

DIVISION IV
EARLY INTERVENTION AND FOLLOW-UP PROGRAMS/GRADUATED SANCTIONS SERVICES

CHAPTER 70
IOWA RULES OF JUVENILE COURT SERVICES DIRECTED PROGRAMS

PREAMBLE

[1] Iowa Code section 232.192 (as enacted by HF 2507, effective July 1, 2023) provides that juvenile court services shall administer "early intervention and follow-up programs." Historically, the legislature has appropriated funds for such programs using the term "juvenile delinquent graduated sanctions services." These rules are intended to effectuate Iowa Code section 232.192 and apply to the appropriation historically termed "juvenile delinquent graduated sanctions services."

[2] These rules prescribe services for eligible children from funds appropriated specifically for juvenile court services directed programs. The state court administrator, the director of juvenile court services, and the chief juvenile court officers have primary responsibility for the administration of early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services for eligible children. These funds may also be used to enhance the education and performance of those employees who are directly involved with the clients and their programs.

[3] These rules, pursuant to the authority granted in the Iowa Code and annual appropriations acts, prescribe the relationship between the state court administrator, the director of juvenile court services, and the chief juvenile court officer from each judicial district in the administration of the funds for the juvenile court services directed programs. These rules establish the criteria for the allocation of funds and the procedures for the administration, eligibility, contracting, billing and payment, application, and service delivery for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services. In addition, these rules detail expenses that are eligible for reimbursement from the noncontracted/court-ordered service allocation as well as the expenses that are ineligible for reimbursement. The lists are intended to be exhaustive.

[4] The early intervention and follow-up programs/graduated sanctions services are services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors that put them at risk of a juvenile delinquency referral. The services are directed to enhance personal adjustment to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. The services are provided in the child's home community whenever feasible. These services may be provided in an individual or group setting and can include, but are not limited to, supervised educational support and treatment and outreach services to eligible children who are experiencing social, behavioral, or emotional problems that put them at risk of involvement with the juvenile justice system. This mix of services allows the flexibility to tailor treatment and services to meet the specific needs of the child. A program for a child may be funded from multiple sources, but the funding sources may not duplicate or overlap. The components and activities shall be outlined in the contract. Services offered may provide individualized and intensive interventions to assist a child in establishing positive behavior patterns and to help the child maintain accountability in a community-based setting.

DIVISION I
DEFINITIONS

Rule 70.101 Definitions.

70.101(1) *At risk.* "At risk" means that a child has been referred to juvenile court services for a delinquency violation or has exhibited behaviors likely to result in a juvenile delinquency referral.

70.101(2) *Audit.* "Audit" means an official examination and verification of financial accounts and records by the office of the auditor of state.

70.101(3) *Case file.* "Case file" means an electronic file that includes referral information, information generated during assessment, documentation of court proceedings, other eligibility determinations, case plans, and case reports, including quarterly progress reports. Case files of providers also include records of provider–child contact that document provision of services.

70.101(4) *Chief juvenile court officers.* "Chief juvenile court officers" are defined under Iowa Code section 602.1217.

70.101(5) *Child.* "Child" means a person under 18 years of age. "Child" also includes a person up to 19 1/2 years of age when (1) the person is adjudicated delinquent and the dispositional order is entered while the person is 17 years of age (in which case, the order terminates 18 months after the date of disposition), or (2) the person, as an adult, has been transferred to the jurisdiction of the juvenile court and is adjudicated as having committed a delinquent act before becoming an adult (in which case, the dispositional order automatically terminates 18 months after the last date upon which jurisdiction could attach). Also included is a juvenile who has been adjudicated by the court to have committed a delinquent act upon the child reaching 18 years of age until the child is 21 years of age if the child and juvenile court services determine the child should remain under the guidance of juvenile court services.

70.101(6) *Contract compliance review.* "Contract compliance review" means official examination and verification of contractual and financial records conducted virtually and asynchronously. A virtual contract compliance review meets the annual contract review requirements so long as client records are available to be securely reviewed.

70.101(7) *Director of juvenile court services.* "Director of juvenile court services" means the position responsible for the day-to-day management of juvenile court services statewide initiatives, including federal programs; this position serves as a liaison with other departments and agencies.

70.101(8) *Early intervention and follow-up programs/graduated sanctions services.* "Early intervention and follow-up programs/graduated sanctions services" means services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors that put them at risk of a juvenile delinquency referral. The services are directed to enhance personal adjustment to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism and to ensure community safety.

70.101(9) *Eligible child.* "Eligible child" means a child who has been adjudicated delinquent, is at risk, or has been identified by the chief juvenile court officer as eligible for early intervention and follow-up programs/noncontracted/court-ordered or juvenile delinquent graduated sanction services.

70.101(10) *Juvenile court officer.* "Juvenile court officer" means a person appointed as a juvenile court officer or a chief juvenile court officer under Iowa Code section 602.7202.

70.101(11) *Juvenile justice service plan.* "Juvenile justice service plan" means an annual plan developed by each chief juvenile court officer which accounts for expenditure of the district's annual allocation and provision for service to the eligible children in their district.

70.101(12) *Noncontracted/court-ordered services.* "Noncontracted/court-ordered services" means the defined or specific care and treatment ordered by the court for an eligible child and for which no other payment source is available to cover the cost or the defined or specific care and treatment for an eligible child for which a service contract does not otherwise exist.

70.101(13) *On-site review.* "On-site review" means an official examination and verification of contractual and financial records conducted at the location where the clients are served, where the client and financial records are stored, or both.

70.101(14) *Provider.* "Provider" means a public agency, including a school district or government unit, or a private agency, organization, or eligible individual authorized to do business in the state. The provider is also known as the "claimant."

70.101(15) *State court administration.* "State court administration" refers generally to positions responsible for various statewide functions, including, but not limited to, the state court administrator, director of finance, and director of juvenile court services.

70.101(16) *State court administrator.* "State court administrator" is defined under Iowa Code section 602.1101.

70.101(17) *Supportive enhancements.* "Supportive enhancements" means a category of services, real goods, or incentives matched to the risk needs of a child that support a child to reduce or eliminate delinquent or at-risk behavior.

[Court Order December 2, 2022, effective July 1, 2023]

Rules 70.102 to **70.200** Reserved.

DIVISION II
GENERAL PROVISIONS

Rule 70.201 Appropriation and allocation of funds. Pursuant to the authority granted in Iowa Code chapters 232 and 602 and the annual appropriations acts, the judicial branch, represented by the state court administrator, the director of juvenile court services, and the chief juvenile court officers, are each charged with specific responsibilities for funding, administering, and ensuring the provision of juvenile court services directed programs.

70.201(1) The funds shall be appropriated to the judicial branch for allocation by the state court administrator and the director of juvenile court services for the payment of the expenses of juvenile court services directed programs, including administration of these services.

a. The state court administrator and director of juvenile court services shall base the allocation of each district's respective portion of funds on the statewide population of children as reported in current census data.

b. The source of the census data shall be determined and agreed upon by the state court administrator and the director of juvenile court services.

70.201(2) State court administration shall allocate a set-aside amount up to, but not to exceed, 20 percent of the total appropriation for early intervention and follow-up programs/graduated sanctions services for state court administration to pay the administrative costs related to administering these allocated funds.

70.201(3) The annual budget tracking form, with estimated or actual transfers outside the judicial branch, shall be updated a minimum of twice annually.

70.201(4) The ongoing budget tracking form shall be updated monthly for all obligated costs and expenditures by the end of the succeeding month.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.202 Allocation of Title IV-E Prevention Service reimbursement funds. Funds received as reimbursement for Title IV-E Prevention Service Programs shall be allocated to the judicial districts in the same ratio as the expenditure of funds for prevention services within each district after the maintenance of effort requirement has been met.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.203 Availability of funds. The judicial branch shall monitor the availability of funds throughout the state fiscal year.

70.203(1) The state court administrator, the director of juvenile court services, and the chief juvenile court officers shall reallocate funds as needed to ensure the availability of services on a statewide basis throughout the state fiscal year.

70.203(2) If funding for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services are exhausted in any district, the respective services within that district shall be discontinued.

70.203(3) The chief juvenile court officer shall be responsible for communicating this information.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.204 Transfer of funds. Allocated funds may be transferred to a decategorization governance board or to other government agencies or departments.

70.204(1) The state court administrator and the director of juvenile court services will determine transfers for state-level projects.

70.204(2) Each chief juvenile court officer may transfer funds from the officer's own district allocation.

70.204(3) All transfers are dependent upon availability of funds.

70.204(4) Fund transfers will identify any specific usage, and reporting requirements, as well as any limitations related to the funds. The receiving entity must agree to the usage, and reporting requirements, as well as any spending limitations prior to acceptance of any funds transfer.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.205 Administration of juvenile court services programs within each judicial district. Each chief juvenile court officer is responsible for the administration of the early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered service

funds within the officer's judicial district. The chief juvenile court officer shall purchase services on behalf of eligible children within the officer's judicial district.

70.205(1) *Planning for service needs.*

a. Each chief juvenile court officer shall develop a process for determining:

(1) The service needs of the children within the officer's district.

(2) The mix of services to be provided to best meet the identified needs within the district.

b. Each chief juvenile court officer shall develop a draft juvenile justice service plan for the officer's judicial district that accounts for the expenditure of their annual allocation for the new state fiscal year.

(1) The draft annual plan must be submitted to the state court administrator by September 15 for the current state fiscal year.

(2) The state court administrator shall approve or recommend changes to each district's draft annual plan by September 30 for the current state fiscal year.

c. The chief juvenile court officers, in conjunction with the director of juvenile court services, shall develop the juvenile justice service plan guidance and shall review and make adjustments to this guidance annually. At a minimum, this guidance shall address:

(1) Community safety.

(2) Matching service type and dosage to risk level.

(3) Recidivism.

(4) Evidence-based services.

(5) Promising practices.

(6) Racial and ethnic disparities.

(7) Reentry.

(8) Cross-over practices.

d. The juvenile court services quality improvement staff shall evaluate and ensure the quality and effectiveness of the services being provided.

e. The chief juvenile court officer shall make recommendations concerning changes that are needed to ensure that children and families receive the services necessary to meet the unique needs of the officer's judicial district.

70.205(2) *Eligible providers.*

a. The chief juvenile court officer shall purchase services from public or private agencies, organizations, or eligible individuals.

b. To be eligible to provide services, an organization or individual shall meet the following criteria:

(1) Submit a completed Form W-9; and

(2) Have a federal identification number; or

(3) Have a social security number for which the state accounting enterprise has determined that an employee–employer relationship with the state does not exist; or

(4) Be paid an amount during a state fiscal year that does not exceed $1,000 plus allowable expenses such as meals, lodging, and mileage per state fiscal year as determined according to state accounting enterprise procedure 210.102.

70.205(3) *Allowable costs.*

a. The administrative and program requirements of these rules include those costs specified below:

(1) Reimbursement for mileage, meals, and lodging expenses involved in the transportation of the child shall not exceed the lower of the rates set by the judicial branch or the provider's customary rate, unless the transportation is provided by a public officer or employee.

(2) A public officer or employee, other than a state officer or employee, is entitled to be reimbursed for expenses.

(3) Fees and expenses as specified in Iowa Code section 331.655 when the court order specifies that the public officer or employee shall provide transportation. The allowable expenses for which sheriffs may be reimbursed are found in Iowa Code section 70A.9.

(4) Expenses approved by the chief juvenile court officer when the court order does not specify that the public officer or employee shall provide transportation.

b. A provider with a service contract for a similar service shall be reimbursed at the rate of the purchase of service contract. A provider that does not have a service contract shall be reimbursed at a rate comparable to the rate reimbursed to providers that have service contracts.

c. Funds for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services shall not be used in lieu of private insurance.

70.205(4) *Contract development.* The chief juvenile court officer shall have the responsibility to initiate contracts for services. All service contracts must follow the Judicial Branch procurement policy.

a. Each chief juvenile court officer shall be responsible to develop contracts within the officer's judicial district with each provider selected through the process.

b. The chief juvenile court officer, the provider, and state court administration shall sign the contract.

c. The chief juvenile court officer or designee is responsible for distributing a copy of the signed contract, amendment, or renewal letter to the provider.

d. Contract amendments shall be prepared whenever there is a change in the amount of contracted dollars, contract duration, program description, or any other terms of the contract.

(1) Any party to the contract may request an amendment to the contract. The provider may request a contract amendment through the chief juvenile court officer.

(2) The chief juvenile court officer, the provider, and state court administration shall sign all contract amendments.

e. Prior to the contract being signed, the state accounting enterprise must determine that no employer–employee relationship with the state exists. A vendor must either:

(1) Have a valid, assigned state accounting enterprise number.

(2) Follow the steps to be assigned a state accounting enterprise control number as outlined in state accounting enterprise procedure 240.102.

70.205(5) *Contract content.*

a. Contracts for purchasing services shall be developed using contract forms approved as to legal form by state court administration.

b. The contract shall:

(1) Note the deliverables, performance measures, and payment methodology.

(2) Describe the process the provider shall follow to complete and submit claims for payment.

c. The contract shall not guarantee a specific amount of utilization.

d. A minimum and a maximum number of participants may be established.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.206 Billing and payment. The chief juvenile court officer shall ensure that billing and payment are in compliance with judicial branch requirements and the requirements of the accounting policies and procedures manual of the administrative services state accounting enterprise. A claim that meets the requirements of these rules becomes a state liability on the date of the claim's accrual. The date of a claim's accrual is the date the service was provided, the end of the agreed-upon billing interval specified in the contract, or the date of a determination of liability for the claim.

70.206(1) *Claim forms and instructions.* The instructions and forms used for billing shall be available to all providers electronically.

a. For claims for noncontracted/court-ordered services:

(1) The provider shall prepare a claim for noncontracted/court-ordered services on Form GAX, General Accounting Expenditure. An original, itemized invoice may accompany a Form GAX in lieu of a claimant's original signature.

(2) The provider shall ensure receipt of a referral from juvenile court services for all noncontracted/court-ordered services and the applicable court order prior to commencement of services as required. The provider shall submit the noncontracted/court-ordered service referral, as applicable, and court order, as applicable, with the GAX form, and/or itemized invoice for payment.

b. For claims for contracted services:

(1) The provider shall prepare a claim for contracted services on Form GAX, General Accounting Expenditure. An original, itemized invoice may accompany a Form GAX in lieu of a claimant's original signature.

(2) The provider shall ensure receipt of a referral from juvenile court services for all contracted services, as applicable. The provider shall also submit the referral along with an approved invoice and a copy of the provider's list of the eligible children for whom the claim is made. The document submitted shall include the name of each child and the number of units of service provided to that child each month, as required by the individual contract.

70.206(2) *Preparation of a claim.* The Form GAX, General Accounting Expenditure, with an original claimant signature or an original, itemized invoice, shall be submitted with all claims.

a. The Form GAX submitted shall not include claims for more than one state fiscal year.

b. The provider, as vendor, must enter on the Form GAX:

(1) The vendor code.

(2) The vendor's name and mailing address.

(3) The vendor's service month(s).

(4) A short description of the item or service that was purchased.

(5) A claimant original signature of the provider unless an original invoice is submitted.

70.206(3) *Support of a claim.*

a. The provider bears ultimate responsibility for the completeness and accuracy of each claim submitted.

b. The provider must maintain a record of the dates and times during which each service was provided for each eligible child.

c. The provider's record must correspond to the units billed, as applicable.

70.206(4) *Submittal of claims to juvenile court services.*

a. Providers shall submit claims to the contract administrator responsible for each contract. The provider shall submit the original Form GAX or original invoice and any required documented support of the claim.

(1) Claims shall be submitted timely to allow the contract administrator to submit the claim for payment within 90 calendar days of the date of the claim's accrual.

(2) To ensure payment from funds appropriated for the state fiscal year, claims shall be submitted timely to allow the contract administrator to submit the claim for payment within 45 calendar days of state fiscal year end, June 30.

70.206(5) *Review and approval of claims.*

a. The chief juvenile court officer is responsible for accuracy and disposition of claims. The contract administrator shall verify the accuracy of the provider's billings and submit the claims to the chief juvenile court officer for review and approval.

(1) Juvenile court services staff may complete the Form GAX when the provider submits an original invoice or may enter any required missing information to the Form GAX.

(2) To approve the claim, the chief juvenile court officer or designee shall sign the Form GAX in the space titled "order approved by." The signature shall be deemed as certification that the billed expenses were incurred, amounts are correct, and payment should be made.

70.206(6) *Claim records.* The chief juvenile court officer or approved administrator shall have the responsibility for retention of records, maintenance of records, and authorized access to records. Electronic record retention is acceptable.

a. Juvenile court services shall retain one copy of the claim and supporting documentation as submitted for payment as well as any additional required supporting documentation submitted to juvenile court services by the provider. The copy of the Form GAX and supporting documentation, as well as any additional required supporting documentation submitted to juvenile court services by the provider, are subject to audit.

b. During the required retention period, all records and knowledgeable personnel must be accessible and available for the review or audit. All documents related to each other must be appropriately attached and organized in a manner that provides easy access.

70.206(7) *Claim payment.*

a. The judicial branch shall reimburse providers for costs when claims are submitted according to the required procedures.

b. The judicial branch shall process a claim through the state appeal board's processes for approving outdated invoices when the judicial branch receives the claim after August 31 for the previous state fiscal year.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.207 Record keeping. The provider and juvenile court services shall maintain financial and service records for a period of seven years following termination of services. The records are subject to review and/or audit.

70.207(1) *Record keeping requirements.*

a. Each provider shall maintain all the financial and service records used to submit or substantiate claims for reimbursement, including court orders as required and lists of the children served. The provider bears the ultimate responsibility for the completeness and accuracy of the claim submitted as set forth in these rules.

b. Each provider shall maintain all the corresponding service and financial information necessary to document the provision of the service as agreed upon in the contract. Each provider shall maintain a case file that documents the provision of the contracted service for each individual child for whom a claim is made.

c. Each juvenile court officer shall maintain within the case file all referrals for both noncontracted/court-ordered and contracted services as required. Each juvenile court officer shall ensure provider updates are recorded within the case file. Each juvenile court officer shall ensure the case file includes all the corresponding service information necessary to document that the contracted service was provided.

d. Each chief juvenile court officer shall ensure that a court order supports the payment of any claim paid for noncontracted/court-ordered services as required by these rules.

e. Each chief juvenile court officer shall ensure that the district is accountable for payments, receipts, and retention of records as established by these rules.

70.207(2) *Access to records.* Each provider of these services shall make available upon request to juvenile court services, the department of inspections and appeals, or the office of the auditor of state the service and financial records used to support or substantiate claims for reimbursement, including court orders and lists of children served. The records shall be subject to review and audit by juvenile court services, the department of inspections and appeals, or the office of the auditor of state.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.208 Annual contract compliance review.

70.208(1) *General requirements.*

a. The contract administrators shall complete annual contract compliance reviews of all service contracts which meet the minimum thresholds to ensure contractual and fiscal requirements are met.

b. The contract administrator who oversees each contract shall not conduct the annual contract compliance review on any contracts administrated.

70.208(2) *Schedule.* The contract administrator shall notify each chief juvenile court officer of the contracts which meet the threshold at which a review must be conducted. The contract administrators shall coordinate to determine the list of providers which require a review for those services shared across multiple districts.

a. Annual contract compliance reviews are required for any provider having one or more contracts with one or more judicial districts when the total annual value of all contracts is $100,000 or more.

b. Annual contract compliance reviews are required for each new provider who has not previously contracted with the judicial district during the first year of the provider's contract with the district when the total annual value of the provider's contracts with the judicial district is $50,000 or more.

c. Additional contract compliance reviews are optional but may be required or requested by state court administration or the chief juvenile court officer for the providers, other than those described in subrules 70.208(1)-(2), based on factors such as:

(1) Length of time the provider has been in business.

(2) Amount of time the provider has offered the services being purchased.

(3) Type of service or program being purchased.

(4) Amount of money involved in the contract.

(5) Whether other governmental entities contract with the provider.

(6) Findings from previous contract compliance review by the district or other entities such as the office of the auditor of state.

70.208(3) *Location.* A virtual contract compliance review meets the annual contract compliance review requirements so long as client records are available to be securely reviewed. Alternately, on-site reviews may take place at the sites where the program is operated if deemed necessary by the contract administrator, the chief juvenile court officer, or state court administration.

70.208(4) *Scope.*

a. The contract compliance review shall include review of the provider's service and financial records, including the client case files, to ensure that the records contain the required documentation of the provision of the contracted service.

b. At a minimum, the reviews shall include:

(1) Documentation of direct contact with the client.

(2) Review of referral for service, service billings, payments, and documentation of delivery of service.

(3) Documentation that the provider meets contract requirements.

(4) Solicitation and incorporation of input from juvenile court officers referring to service contracts to determine if needs are being met.

70.208(5) *Repayment.* The judicial branch may seek repayment of claims paid for noncovered services or for services for which documentation is not established.

a. The chief juvenile court officer shall notify the provider in writing that a repayment is due. The written notice shall identify:

(1) The claims.

(2) The amounts of the claims that are not documented or substantiated.

(3) The amount of the repayment requested.

b. The provider shall repay the judicial branch the difference between the amount received and the amount established through the review, not to exceed the amount paid by the state, when:

(1) The provider, upon review, fails to verify or document the provision of covered services or costs in the amount for which a claim was paid or when the review confirms claims paid for noncovered services.

(2) Juvenile court services or the judicial branch makes a request for repayment.

c. If the provider does not make payment within 60 days, the chief juvenile court officer shall submit to state court administration a copy of the notice to the provider for state court administration's review and further action, if necessary.

70.208(6) *Reporting.* Each contract administrator shall submit the standardized annual contract compliance review form for each contract the administrator has reviewed to the chief juvenile court officer for the district of the assigned contract and to state court administration.

a. The annual reports shall be submitted by December 31 following the end of the state fiscal year. This date may be extended upon the written request of the chief juvenile court officer to state court administration.

b. The annual report shall include a summary of the findings of the reviews conducted during the state fiscal year.

70.208(7) *Formal audit by the office of the auditor of state.* All judicial branch employees must report any suspected fraud to state court administration immediately. The state court administrator or the judicial branch director of finance may request a formal audit by the office of the auditor of state.
[Court Order December 2, 2022, effective July 1, 2023]

Rules 70.209 to **70.300** Reserved.

DIVISION III
NONCONTRACTED/COURT-ORDERED SERVICES

Rule 70.301 Juvenile court services responsibilities. The chief juvenile court officer shall purchase noncontracted/court-ordered services for eligible children.

70.301(1) The chief juvenile court officer shall ensure the services fall within the defined allowable services and that there are sufficient funds in the district's allocation to pay for all noncontracted/court-ordered services.

70.301(2) Any services that are provided without the signed approval of the chief juvenile court officer or approved administrator may be denied payment unless there is an emergency or after-hours situation and no other provision exists for handling the emergency or after-hours situation or transport.

70.301(3) A district or juvenile court shall not order any service that is a charge upon the state pursuant to Iowa Code section 232.141 if there are insufficient noncontracted/court-ordered services funds available in the district allocation to pay for the service.

70.301(4) The chief juvenile court officer shall encourage responsible use of noncontracted/court-ordered service funds such that there are sufficient funds during the entire year to pay for all noncontracted/court-ordered services.

a. The chief juvenile court officer shall establish service priorities for spending the noncontracted/court-ordered services funds allocated to the district.

b. The chief juvenile court officer shall inform state court administration of potential shortfalls in the district's allocation and shall request a transfer of funds between the districts as prudent.

70.301(5) The chief juvenile court officer shall notify the state court administrator and the chief judge of the district in the event that the noncontracted/court-ordered services funds for the judicial district are exhausted.
[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.302 Noncontracted/court-ordered service application process. The chief juvenile court officer or approved administrator shall determine the need for each service.

70.302(1) Any party intending to request noncontracted/court-ordered service funds shall complete an application and receive approval for the funding request from the chief juvenile court officer or approved administrator, with the exception of drug testing, drug testing supplies, court-ordered transportation, and global positioning system monitors.

70.302(2) If an application for noncontracted/court-ordered services and/or a court order is not available, a consent decree, a global positioning system monitoring agreement, a condition of supervision agreement, or an informal or formal probation agreement must be contained within the case file.

70.302(3) The application form with instructions shall be available upon request from the office of each chief juvenile court officer.

70.302(4) The chief juvenile court officer or approved administrator shall approve or disapprove the request for funds and shall sign and return the application to the referring juvenile court officer.

a. If the request is disapproved, the decision is final.

b. If the request is approved, the service plan may be presented to the court for a court order to be issued for the services.

70.302(5) The applicant shall have verified that there are no other alternative funding sources for the service.

70.302(6) The chief juvenile court officer or approved administrator may establish procedures for handling emergency or after-hours situations and for the handling of transports.

70.302(7) *Use of other funding sources.*

a. The chief juvenile court officers shall ensure that the funds allocated for noncontracted/court-ordered services are spent only after all other reasonable actions have been taken to use other funding sources.

b. Services are not eligible for reimbursement when another payment source is available.

c. Medical cost sharing for the one-time payment per court order of a deductible amount or a coinsurance amount for treatment specified in a court order is an allowable expense that may be paid through the noncontracted/court-ordered services fund when insurance or Medicaid is then available to pay the remainder of the cost.

d. The date of a medical claim's accrual for reimbursement through noncontracted/court-ordered services is the date the claim becomes a state liability. For example, a claim becomes a state liability on:

(1) The date of a court order for a contested claim; or

(2) The date of a determination by Medicaid or private insurance that Medicaid or private insurance denies partial or full payment for care and treatment for which an application has been approved.

70.302(8) *Allowable rates.* The chief juvenile court officer or approved administrator shall negotiate a reimbursement rate with the provider to obtain the service at a reasonable cost based on available community or statewide rates.

[Court Order December 2, 2022, effective July 1, 2023]

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).

70.303(1) *Reimbursable expenses.* The expenses for which reimbursement shall be made include:

a. Transportation expenses, including those incurred in transporting a child to or from a place designated by the court, including mileage, lodging, and meals.

b. Medical cost sharing for payment of deductibles or coinsurance when Medicaid or private insurance is then available to pay the remainder of the cost.

c. The expense of care or treatment ordered by the court whenever the child is placed by the court with someone other than the parents or whenever the child is given a physical or mental examination or treatment under order of the court, including treatment referenced under a consent decree. Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include:

(1) Individual services for the child separate from a family's treatment plan.

(2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation are provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(3) An evaluation of a child in a residential facility.

(4) Inpatient (hospital) evaluation of a child previous to disposition.

(5) Medical treatment for a child when the medical treatment is court-ordered, except when the child is in a detention facility.

(6) Drug treatment, testing, testing supplies, and care for a child.

(7) In-home supervision and monitoring, including global positioning system monitoring, and alternatives to shelter care unless a person or agency has a contract with the judicial branch to provide the service for which the child is eligible.

(8) One-to-one supervision of a child not in a detention facility unless the service is provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(9) Physical or mental examinations ordered pursuant to Iowa Code section 232.49, except those set forth in paragraph 70.303(2)(b) or those eligible for payment pursuant to Iowa Code chapter 249A.

d. Expenses for educational testing or programs related to a high school equivalency test (HiSET) or equivalent or for credit hours when the expenses are not required to be paid by the state.

e. Expenses for a child meant to serve as a diversionary tool for children at risk of further involvement with the juvenile justice system, which may include:

(1) Drug treatment, testing, testing supplies, and care for a child.

(2) Educational programming used as a deterrent for at-risk and delinquent children, unless the service is provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(3) In-home supervision and monitoring, including global positioning system monitoring, and alternatives to shelter care, unless a person or agency has a contract with the judicial branch to provide the service for which the child is eligible.

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:

a. Foster care and shelter care. *See* Iowa Code section 234.35.

b. All charges for which the county is obligated by statute to pay including:

(1) Care and treatment of patients by any state mental health institute. *See* Iowa Code section 230.20(5).

(2) Care and treatment of patients by either of the state resource centers or by any other facility established under Iowa Code chapter 222. *See* Iowa Code section 222.60.

(3) Care and treatment of patients by the psychiatric hospital in Iowa City. *See* Iowa Code ch. 225.

(4) Care and treatment of persons at the alcoholic treatment center in Oakdale or any other facility as provided in Iowa Code chapter 125. *See* Iowa Code section 125.44.

(5) Clothing and medical or other service provided to persons at the Iowa Braille and Sight Saving School, the Iowa School for the Deaf, or the University of Iowa Stead Family Children's Hospital for which the county becomes obligated to pay pursuant to Iowa Code sections 263.12, 269.2, and 270.4.

(6) Expenses for detention in a facility used for detention. *See* Iowa Code section 232.142.

(7) Care and treatment of persons placed in a county hospital, county care facility, a health care facility as defined in Iowa Code section 135C.1(8), or any other public or private facility in lieu of admission or commitment to a state mental health institute, state resource center, or other facility established pursuant to Iowa Code chapter 222. *See* Iowa Code section 222.50.

(8) Child abuse photos and X rays. *See* Iowa Code section 232.77.

(9) Any expenses set forth in Iowa Administrative Code subrule 441—151.22(1) that qualify for payment pursuant to Iowa Code chapter 249A.

(10) Expense of a child sexual abuse examination. *See* Iowa Code section 915.41.

(11) Expense of child daycare. *See* Iowa Code section 234.6.

(12) Expense of in-home treatment services. *See* Iowa Admin. Code chs. 441—78-79, 83.

(13) Expense of homemaker-home health aide services. *See* Iowa Admin. Code ch. 641—80.

(14) Expenses for all educational testing or programming required to be paid by the state, except for children who attend an on-campus school in an out-of-state facility and who are not weighted as special education students. *See* Iowa Code ch. 256.

(15) Expenses, except for the allowable medical cost sharing, for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance 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.

(16) Expenses, except for the allowable medical cost sharing, for psychiatric medical institutions for children (PMIC). Payment source is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.

70.303(3) *Services not listed.* If a court orders a service not currently listed in subrule 70.303(1), the chief juvenile court officer or approved administrator shall review the order and shall consult with state court administration. If reimbursement for the service expense is not in conflict with current law and meets the criteria for payment by noncontracted/court-ordered service funding, the chief juvenile court officer or approved administrator shall authorize reimbursement to the provider.

70.303(4) *Appeals.* If services are court-ordered, children who have been adversely affected by decisions made by the juvenile court and their parents or guardians may appeal through procedures established pursuant to Iowa Code section 232.133.

[Court Order December 2, 2022, effective July 1, 2023; January 26, 2024]

Rules 70.304 to **70.400** Reserved.

DIVISION IV
EARLY INTERVENTION AND FOLLOW-UP PROGRAMS/GRADUATED SANCTIONS SERVICES

Rule 70.401 Service eligibility. Children shall be eligible for services without regard to individual or family income when they are adjudicated delinquent or a juvenile court officer or other approved referral entity determines they are at risk and in need of contracted services.

70.401(1) Juvenile court services shall maintain in the child's case file documentation of the child's adjudication or at-risk status as well as the child's need for services, as applicable.

70.401(2) The chief juvenile court officer shall establish written procedures for screening and approving referrals for services and make the procedures available to the district's juvenile court officers and other approved referral entities.

70.401(3) The juvenile court officer shall determine the child to be in need of services as evidenced by one or more of the following situations:

a. Schools, parents, or community organizations, due to complaints of delinquent activities or activities that put a child at risk of involvement in the juvenile justice system, indicate the need for intervention and guidance of the child.

b. A petition has been filed alleging delinquent behavior.

c. Juvenile court services action has been initiated including, but not limited to, diversion, informal adjustment agreements, and adjudication and disposition proceedings, including consent decrees.

70.401(4) The chief juvenile court officer may approve services for up to six consecutive months at a time, except that service approval shall not extend beyond the current state fiscal year unless a contract is in effect to assume the cost for the services provided in the next state fiscal year. The referring officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

70.401(5) Referrals shall not be made or accepted when funds for the program are not available; the chief juvenile court officer shall inform referring entities when program funds are no longer available.

70.401(6) Each chief juvenile court officer may approve follow-up services for a child adjudicated to have committed a delinquent act upon the child reaching 18 years of age until the child is 21 years of age, as indicated in Iowa Code section 232.8(5)(a).

70.401(7) *Service components.*

a. Services may include, but are not limited to, the following components:

(1) Cognitive-behavioral therapy.

(2) Group counseling.

(3) Mentoring.

(4) Behavioral contracting or contingency management.

(5) Family counseling, including child and parent relationships and parenting skills.
(6) Family crisis counseling.
(7) Mixed counseling.
(8) Social skills training.
(9) Challenge programs.
(10) Mediation.
(11) Restitution or community service.
(12) Remedial academic program.
(13) Individual counseling.
(14) Job-related training, including job-seeking skills, as well as training for specific jobs and on-the-job training experiences.
(15) Personal skills, including anger management, stress reduction, and self-esteem.
(16) Problem solving.
(17) Accountability and acceptance of responsibility.
(18) Victim empathy and self-advocacy.
(19) Activities of daily living and time management.
(20) School attendance and truancy issues.
(21) Violence prevention.

b. The contract must specify what is required of the provider, including transportation services, as needed.

c. Services may be co-located with school programs. Although the costs of the state-funded educational programming shall not be funded through the early intervention and follow-up programs/graduated sanctions appropriation, programs shall be developed so that there is close coordination between the treatment and the state-funded educational components.
[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.402 Reporting requirements.

70.402(1) Providers of services shall submit all reports on each child receiving services to the assigned juvenile court officer, or other juvenile court services staff, at intervals specified in the contract. All required reports may be electronic, including, but not limited to, treatment plans, case updates, and progress reports, and shall include all required components specified in the contract.

70.402(2) The juvenile court officer shall file provider reports in the child's electronic case file.

70.402(3) Additional reports may be required when requested by the juvenile court judge or the child's juvenile court officer.

70.402(4) Any school-based program shall have established procedures for communication and for maintaining records on individual children receiving assistance. The procedure shall include methods for the timely communication of critical information to juvenile court services and school officials, assurances that child abuse allegations shall be reported promptly in accordance with applicable Iowa statutes, and systems to safeguard the confidentiality of the child's records.
[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.403 Contracted services referral process.

70.403(1) *Referral requirements.* The juvenile court officer or other approved referral source shall:

a. Determine which service provider can best meet the child's needs.
b. Complete the referral form, as applicable, and follow the district's referral approval process.
c. Assist in the child's transition to receive the service.
d. Follow up after the service has been provided.

70.403(2) *Monitoring of service delivery.* The juvenile court officer, or other approved referral source, shall monitor the delivery of services to children for whom the referral was made.

a. The juvenile court officer, or other approved referral source, shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. The referring juvenile court officer, the provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer or designee.

70.403(3) *Payment methodology.* Rates for services shall be established through a service contract between the provider and the chief juvenile court officer based on the provider's proposed

budget. Rates may vary among providers for various types of services. The payment methodology and contract maximum shall be specified in the contract.

70.403(4) *Provider standards.* Providers shall have a contract with juvenile court services for services and agree to abide by all contract requirements, including, but not limited to, reporting, payment methodology, record retention, and billing and payment procedures. Providers of these services shall meet all of the following conditions:

a. Be selected and approved by the chief juvenile court officer or designee within each judicial district to provide the contracted services.

b. Use staff who, in the opinion of the chief juvenile court officer, have the necessary training and qualifications to provide quality services.

c. Make any changes to curriculum as requested by the chief juvenile court officer or designee.

d. Provide services to eligible children in the settings most suited to each child's needs.

70.403(5) *Performance and outcome measures.*

a. Each contract shall detail expected performance measures for the services provided.

b. Each contract shall detail expected outcomes of the service requirements for each child.

c. The provider shall report data as required in the service contract.

d. Juvenile court services shall determine preservice and postservice measures needed to track and record outcomes.

[Court Order December 2, 2022, effective July 1, 2023]

Rule 70.404 Supportive enhancements. A funding application or referral for services or goods shall be completed by the referring juvenile court officer and include language to indicate how the services or goods reduce the risk factors of the eligible child. See monitoring of service delivery, provider standards, and outcome measures in subrules 70.403(2), (4), and (5).

70.404(1) *Types of supportive enhancements.* Supportive enhancements are individualized to address the child's needs, including:

a. Living environment.

b. Accountability.

c. Basic needs.

d. Safety.

e. Social needs.

f. Educational needs.

g. Cultural needs.

70.404(2) *Service eligibility.* The eligible child shall be qualified for supportive enhancements without regard to individual or family income when the child is adjudicated delinquent or is determined by a juvenile court officer, or other approved referral entity, to be at risk and to be in need of the services or goods.

a. Juvenile court services shall maintain in the child's case file documentation, including the funding application or referral for services or goods, including language to indicate how the services or goods shall reduce the risk factors of the child, as well as the child's adjudication or at-risk status.

b. The chief juvenile court officer shall establish written procedures for screening and approving funding applications or referrals for supportive enhancements and make the procedures available to the district's juvenile court officers or other approved referring entities.

c. The chief juvenile court officer may approve supportive enhancements for up to six consecutive months at a time, except that service approval shall not extend beyond the current state fiscal year unless a contract is in effect to assume the cost for the services provided in the next state fiscal year. The referring officer shall reauthorize the child's eligibility and need for these services in accordance with the procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available; the chief juvenile court officer shall inform referring entities when program funds are no longer available.

70.404(3) *Service components.* Supportive enhancements are to complement other services or interventions for a child served by the juvenile court services or other provider. These supports allow juvenile court services to intervene immediately with a support or incentive that is expected to reduce misbehavior or truancy and will lead to improved outcomes.

a. Alternative funds or services shall be utilized prior to supportive enhancements, when available.

b. Supportive enhancements may include, but are not limited to:

(1) Education-related services.

(2) Restitution.

(3) Crisis intervention.
(4) Transportation.
(5) Clothing and grooming supplies.
(6) Enrollment for prosocial activities.
(7) Other expenses as approved by the chief juvenile court officer.

70.404(4) *Application process.* An application for supportive enhancements is required and must state all of the following:

a. Purpose of the purchase.
b. Benefit to the child.
c. Intent to reduce criminogenic risk factors.
d. A statement that there is no other funding source available for these goods or services.
e. Verification that the child meets eligibility requirements defined in these rules.

70.404(5) *Program requirements.*

a. For purchases valued over $10, the chief juvenile court officer or designee must approve an application prior to purchase of the goods or services.

b. For purchases valued $10 or under, it is strongly encouraged to have the application approved prior to receipt of the goods or services by the child. It is allowable to have only verbal or written approval by a supervisor and obtain formal approval of the application after the child receives the goods or services in certain situations.

c. All gift cards must be tracked using a tracking number and linked to the child receiving the card.

d. Recipient signoff is required and may consist of an email, letter, note, or other document signed by the child or the child's guardian confirming receipt of the goods or services.

e. The hourly reimbursement rate for community service restitution is set by the chief juvenile court officers and reviewed annually.

f. A maximum annual cap for restitution for any one child is set by the chief juvenile court officers and reviewed annually. The referring juvenile court officer must request an exception to this policy for each child, as applicable.

70.404(6) *Rate setting.* Rates for supportive enhancements shall be established through a contract between the provider and the chief juvenile court officer. Rates may vary.
[Court Order December 2, 2022, effective July 1, 2023]

These rules are intended to implement Iowa Code section 232.192.