

In the Iowa Supreme Court

**In the Matter of Adopting Rule
22.41 of the Iowa Court Rules
Relating to Iowa Treatment Courts**

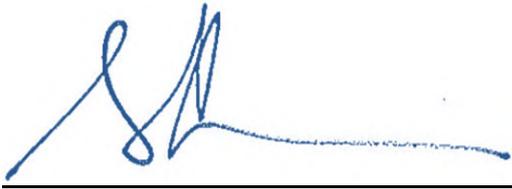
Order

The Iowa Supreme Court adopts rule 22.41 of the Iowa Court Rules for judicial administration. The new rule provides for the establishment of Iowa treatment courts and addresses ex parte communications in treatment courts.

Iowa Court Rule 22.41 provided with this order is adopted effective immediately.

Dated this 27th day of July, 2023.

The Iowa Supreme Court

By: 

Susan Larson Christensen, Chief Justice

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Judicial Magistrates
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The Iowa State Bar Association
Thomson Reuters (Westlaw)
University of Iowa College of Law

CHAPTER 22
JUDICIAL ADMINISTRATION

FILED
JUL 27 2023
CLERK SUPREME COURT

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Rule 22.41 Treatment courts.

22.41(1) Definitions.

a. Treatment court. “Treatment court” is a court program that uses a collaborative multidisciplinary and therapeutic approach to address underlying factors such as a substance use disorder or mental health disorder that may be contributing to a person’s involvement in the judicial system. Procedures used include treatment; community supervision; appropriate incentives, sanctions, and therapeutic responses to address behavior; and periodic random testing for prohibited substances.

b. Treatment court team. “Treatment court team” includes the judicial officer, prosecuting attorney, defendant’s attorney, treatment provider representative, probation officer, case manager, court coordinator, law enforcement officer, peer support specialist, and other appropriate community representatives.

22.41(2) Establishment of treatment courts. An application to establish a treatment court must be submitted to the local district court administrator and state treatment court coordinator.

22.41(3) Ex parte communications allowed. A judge presiding over a treatment court may assume a more interactive role with the parties, attorneys, treatment providers, probation officers, social workers, and others. In this capacity, judges may initiate, permit, and consider ex parte communications. Substantive ex parte communications should be shared with the treatment court team as soon as practicable. To avoid the appearance of impropriety, judges should take care to limit ex parte communications with an active treatment court participant outside of treatment court related activities.

22.41(4) Fairness and impartiality. A judge who receives ex parte communications under subsection (3) may preside over any subsequent proceeding involving the relevant treatment court participant so long as disqualification is not required under Iowa Code of Judicial Conduct Rule 51:2.11.