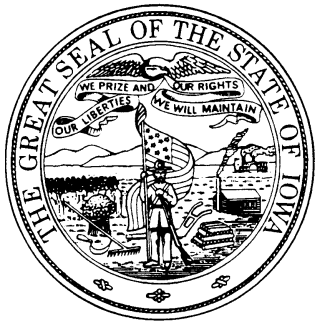
IOWA
COURT RULES

FIFTH EDITION

July 2023 Supplement



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PREFACE

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The Iowa Court Rules and related documents are available at www.legis.iowa.gov/law/courtRules.

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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."

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Rule 1.500 ..... Amended
Rule 8.18 ..... Amended
Rule 9.6 ..... Amended
Rule 9.10 ..... Amended
Rule 9.12 ..... Amended
Rule 20.5 ..... Amended
Rule 22.21 ..... Amended
Rule 22.41 ..... Adopted
Rule 31.6 ..... Amended
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Rule 31.12 ..... Amended
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Rule 34.25 ..... Amended
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Chapter 61, standard 11, comment 1 Amended
Chapter 61, standard 18, comment 1 Amended
Chapter 63, standard III(E), comment 1 ..... Amended

INSTRUCTIONS FOR UPDATING THE IOWA COURT RULES

Replace Chapter 1
Replace Chapter 8
Replace Chapter 9
Replace Chapter 20
Replace Chapter 22
Replace Chapter 31
Replace Chapter 34
Replace Chapter 46
Replace Chapter 61
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CHAPTER 1
RULES OF CIVIL PROCEDURE

DIVISION I
OPERATION OF RULES

Rule 1.101 Applicability; statutes affected. The rules in this chapter shall govern the practice and procedure in all courts of the state, except where they expressly provide otherwise or statutes not affected hereby provide different procedure in particular courts or cases.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.102 to **1.200** Reserved.

DIVISION II
ACTIONS, JOINDER OF ACTIONS AND PARTIES

A. PARTIES GENERALLY; CAPACITY

Rule 1.201 Real party in interest. Every action must be prosecuted in the name of the real party in interest. But an executor, administrator, conservator, guardian, trustee of an express trust, or a party with whom or in whose name a contract is made for another's benefit, or a party specially authorized by statute may sue in that person's own name without joining the party for whose benefit the action is prosecuted. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.202 Public bond. When a bond or other instrument given to the state, county, school or other municipal corporation, or to any officer or person, is intended for the security of the public generally, or of particular individuals, action may be brought thereon, in the name of any person intended to be thus secured, who has sustained an injury in consequence of a breach thereof, except when otherwise provided.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.203 Partnerships. Actions may be brought by or against partnerships as such; or, where permitted by law, against any or all partners with or without joining the firm. Judgment against a partnership may be enforced against partnership property and that of any partner served or appearing in the suit. A new action will lie on the original cause against any partner not so served or appearing. The court may order absent partners brought in.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.204 Foreign corporations. Foreign corporations may sue and be sued in their corporate name, except as prohibited by statute.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.205 Assignees; exception. In cases not governed by the uniform commercial code the assignment of a thing in action shall be without prejudice to any defense, counterclaim or claim matured or not, if matured when pleaded, existing against the assignor in favor of the party pleading it.
[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.206 Injury or death of a minor. A parent, or the parents, may sue for the expense and actual loss of services, companionship and society resulting from injury to or death of a minor child.
[Report 1943; amendment 1973; November 9, 2001, effective February 15, 2002]

Rule 1.207 Actions by and against state. The state may sue in the same way as an individual. No security shall be required of it.
[Report 1943; amendment 1974; November 9, 2001, effective February 15, 2002]

Rule 1.208 Married persons. A married person may sue or be sued without joining the person's spouse. If both are sued, each may defend; and if one fails to defend, the other may defend for both.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.209 Desertion of family. When a husband or wife deserts the family, the other may prosecute or defend any action which either might have prosecuted or defended, and shall have the same powers and rights therein as either might have had.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.210 Minors; incompetents. An action of a minor or any person adjudged incompetent shall be brought by the person's conservator if there is one or, if not, by the person's guardian if there is one; otherwise the minor may sue by a next friend, and the incompetent by a conservator or guardian appointed by the court for that purpose. If it is in the person's best interest, the court may dismiss such action or substitute another conservator, guardian or next friend.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.211 Defense by incompetent, prisoner, etc. No judgment without a defense shall be entered against a party then a minor, or confined in a penitentiary, reformatory or any state hospital for the mentally ill, or one adjudged incompetent, or whose physician certifies to the court that the party appears to be mentally incapable of conducting a defense. Such defense shall be by guardian ad litem; but the conservator (and if there is no conservator, the guardian) of a ward or the attorney appearing for a competent party may defend unless the proceeding was brought by or on behalf of such fiduciary or unless the court supersedes such fiduciary by a guardian ad litem appointed in the ward's interest.
[Report 1943; amended by 58GA, ch 152, §199; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.212 Guardian ad litem. If a party served with original notice appears to be subject to rule 1.211, the court may appoint a guardian ad litem for the party, or substitute another, in the ward's interest. Application for such appointment or substitution may be by the ward, if competent, or a minor over 14 years old; otherwise by the party's conservator or guardian or, if none, by any friend or any party to the action.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.213 to **1.220** Reserved.

B. SUBSTITUTION OF PARTIES

Rule 1.221 Substitution at death; limitation. Any substitution of legal representatives or successors in interest of a deceased party, permitted by statute, must be ordered within two years after the death of the original party. If the decedent's right survives entirely to those already parties, the action shall continue among the surviving parties without substitution.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.222 Transfer of interest. Transfer of an interest in a pending action shall not abate it, but may be the occasion for bringing in new parties.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.223 Incapacity pending action. If, during pendency of an action, a party is adjudged incompetent or confined in any state hospital for the mentally ill or if the party's physician certifies to the court that the party appears to be mentally incapable of acting in the party's own behalf, the conservator or guardian shall be joined or if there is none, the court shall appoint a guardian ad litem for the party.
[Report 1943; amended by 58GA, ch 152, §200; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.224 Nonabatement in case of guardianship. When a conservatorship or guardianship ceases for any reason, any action or proceeding then pending shall not abate. The conservator's or guardian's successor, the former ward, or the personal representative of the ward's estate shall be substituted or joined as a party. If no application is made for substitution, the court on its own motion may appoint a personal representative to represent the deceased party in the action.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.225 Majority of minor. A minor party who attains legal majority shall continue as a party in that person's own right.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.226 Officers; representatives. When any public official or other person in a representative capacity ceases to be such while a party to a suit, the court may order that party's successor brought in and substituted.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.227 Notice to substituted party. The order for substitution shall fix the time for the substituted party to appear, and the notice to be given. In case of substitution of a legal representative of a deceased party, notice shall be given in the same manner as an original notice.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.228 to **1.230** Reserved.

C. JOINDER; MISJOINDER AND NONJOINDER

Rule 1.231 Actions joined. A single plaintiff may join in the same petition as many causes of action, legal or equitable, independent or alternative, as there are against a single defendant.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.232 Multiple plaintiffs. Any number of persons who claim any relief, jointly, severally or alternatively, arising out of or respecting the same transaction, occurrence or series of transactions or occurrences, may join as plaintiffs in a single action, when it presents or involves any question of law or fact common to all of them. They may join any causes of action, legal or equitable, independent or alternative, held by any one or more of them which arise out of such transaction, occurrence or series, and which present or involve any common question of law or fact.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.233 Permissive joinder of defendants. Any number of defendants may be joined in one action which asserts against them, jointly, severally or in the alternative, any right to relief in respect of, or arising out of the same transaction, occurrence, or series of transactions or occurrences, when any question of law or fact common to all of them is presented or involved.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.234 Necessary parties; joinder.

1.234(1) *Remedy for nonjoinder as plaintiff.* Except as provided in this rule, all persons having a joint interest in any action shall be joined on the same side, but such persons failing to join as plaintiffs may be made defendants. This rule does not apply to class actions under rules 1.261 to 1.279, nor affect the options permitted by Iowa Code sections 613.1 and 613.2.

1.234(2) *Definition of indispensable party.* A party is indispensable if the party's interest is not severable, and the party's absence will prevent the court from rendering any judgment between the parties before it; or if notwithstanding the party's absence the party's interest would necessarily be inequitably affected by a judgment rendered between those before the court.

1.234(3) *Indispensable party not before court.* If an indispensable party is not before the court, it shall order the party brought in. When persons are not before the court who, although not indispensable, ought to be parties if complete relief is to be accorded between those already parties, and when necessary jurisdiction can be obtained by service of original notice in any manner provided by the rules in this chapter or by statute, the court shall order their names added as parties and original notice served upon them. If such jurisdiction cannot be had except by their consent or

voluntary appearance, the court may proceed with the hearing and determination of the cause, but the judgment rendered therein shall not affect their rights or liabilities.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.235 Parties partly interested. A party need not be interested in obtaining or defending against all the relief demanded. Judgment may be given respecting one or more parties according to their respective rights or liabilities.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.236 Remedy for misjoinder.

1.236(1) *Parties.* Misjoinder of parties is no ground for dismissal of the action, but parties may be dropped, or aligned according to their true interests in the action, by order of the court on its own motion or that of any party at any stage of the action, on such terms as are just; or any claim against a party improperly joined may be severed and proceeded with separately.

COMMENT: Rule 1.236(1) is very similar to Fed. R. Civ. P. 21. While neither rule provides expressly for realignment of parties, and no case law exists in Iowa on the authority of a court to realign parties, federal courts have interpreted Fed. R. Civ. P. 21 to allow realignment of parties according to their true interests. *See First National Bank of Shawnee Mission v. Roland Park State Bank,* 357 F. Supp. 708, 711 (D. Kan. 1973); Wright, Miller & Kain, *Federal Practice and Procedure,* Civil 2d, § 1683, at 448 (1986); 3A *Moore's Federal Practice,* ¶ 21.02, at 21-23 (1993).

1.236(2) *Actions.* The only remedy for improper joinder of actions shall be by motion. On such motion the court shall either order the causes docketed separately or strike those causes which should be stricken, always retaining at least one cause docketed in the original case. Before ruling on such motion, the party whose pleading is attacked may withdraw any of the causes claimed to be misjoined.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.237 Dependent remedies joined. An action heretofore cognizable only after another has been prosecuted to conclusion may be joined with the latter; and the court shall grant relief according to the substantive rights of the parties. But there shall be no joinder of an action against an indemnitor or insurer with one against the indemnified party, unless a statute so provides.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.238 to **1.240** Reserved.

D. COUNTERCLAIMS AND CROSS-CLAIMS

Rule 1.241 Compulsory counterclaims. A pleading must contain a counterclaim for every claim then matured, and not the subject of a pending action, held by the pleader against any opposing party and arising out of the transaction or occurrence that is the basis of such opposing party's claim, unless its adjudication would require the presence of indispensable parties of whom jurisdiction cannot be acquired. A final judgment on the merits shall bar such a counterclaim, although not pleaded.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.242 Permissive counterclaims. Unless prohibited by rule or statute, a party may counterclaim against an opposing party on any claim held by the party when the action was originally commenced and matured when pleaded.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.243 Joinder of counterclaims. A party pleading a counterclaim shall have the same right to join more than one claim as a plaintiff is granted under rules 1.231 and 1.232.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.244 Counterclaim not limited. A counterclaim may, but need not, diminish or defeat recovery sought by the opposing party. It may claim relief in excess of, or different from, that sought in the opponent's pleadings.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.245 Cross-claim against coparty. A pleading may state as a cross-claim any claim by one party against a coparty arising out of the transaction or occurrence that is the subject matter either of the original action or a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted

is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.
[Report 1943; amendment 1973; amendment 1976; November 9, 2001, effective February 15, 2002]

Rule 1.246 Third-party practice.

1.246(1) *When defendant may bring in third party.* At any time after commencement of the action a defending party, as a third-party plaintiff, may file a cross-petition and cause an original notice to be served upon a person not a party to the action who is or may be liable for all or part of the plaintiff's claim. The third-party plaintiff need not obtain leave to file the cross-petition if it is filed not later than ten days after the filing of the original answer. Otherwise leave may be obtained by motion upon notice to all parties to the action.

The third-party defendant shall assert defenses to the third-party plaintiff's claim as provided in rule 1.441 and counterclaims against the third-party plaintiff as provided in rule 1.241 and cross-claims against other third-party defendants as provided in rule 1.245.

The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the plaintiff shall assert defenses as provided in rule 1.441 and counterclaims under rule 1.241.

The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert defenses as provided in rule 1.441, counterclaims as provided in rule 1.241, and cross-claims as provided in rule 1.245. Any party may move to strike the third-party claim or for its severance or for separate trial. A third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable for all or part of the claim made in the action against the third-party defendant.

1.246(2) *When plaintiff may bring in third party.* When a counterclaim is asserted against a plaintiff, that plaintiff may cause a third party to be brought in under circumstances which under this rule would entitle a defendant to do so.
[Report 1943; amendment 1973; amended by 65GA, ch 315, §1; May 27, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.247 to **1.250** Reserved.

E. INTERPLEADER

Rule 1.251 Right of interpleader. A person who is or may be exposed to multiple liability or vexatious litigation because of several claims against the person for the same thing, may bring an equitable action of interpleader against all such claimants. Their claims or titles need not have a common origin, nor be identical, and may be adverse to, or independent of each other. Such person may dispute liability, wholly or in part.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.252 By defendants. A defendant to an action exposed to similar liability or litigation may obtain interpleader by counterclaim or cross-petition. Any claimant not already before the court may be brought in to maintain or relinquish that claim to the subject of the action, and on default after due service, the court may decree such claim barred.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.253 Deposit; discharge. If a party initiating interpleader admits liability for, or nonownership of, any property or amount involved, the court may order it deposited in court or otherwise preserved or secured by bond. After such deposit the court, on hearing all parties, may absolve the depositor from obligation to such parties as to the property or amount deposited, before determining the rights of the adverse claimants.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.254 Substitution of claimant. If a defendant seeks an interpleader involving a third person, the latter may appear and be substituted for the original defendant, who may then be discharged upon complying with rule 1.253.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.255 Injunction. After petition and returns of the original notices are filed in an interpleader, the court may enjoin all parties before it from beginning or prosecuting any other suit as to the subject of the interpleader until its further order.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.256 Costs. Costs may be taxed against the unsuccessful claimant in favor of the successful claimant and the party initiating the interpleader.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.257 Sheriff or officer; creditor. When a sheriff or other officer is sued for taking personal property under a writ, or for the property so taken, such writ may be filed with the court, with an attached affidavit from the sheriff or other officer that the property involved was taken under the writ. The plaintiff shall then join the attaching or execution creditor as a defendant, or such creditor may join on application. Any judgment against the officer and creditor shall provide that the creditor's property be first exhausted to satisfy the judgment.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.258 to **1.260** Reserved.

F. CLASS ACTIONS

Rule 1.261 Commencement of a class action. One or more members of a class may sue or be sued as representative parties on behalf of all in a class action if both of the following occur:

1.261(1) The class is so numerous or so constituted that joinder of all members, whether or not otherwise required or permitted, is impracticable.

1.261(2) There is a question of law or fact common to the class.
[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.262 Certification of class action.

1.262(1) Unless deferred by the court, as soon as practicable after the commencement of a class action the court shall hold a hearing and determine whether or not the action is to be maintained as a class action and by order certify or refuse to certify it as a class action.

1.262(2) The court may certify an action as a class action if it finds all of the following:

a. The requirements of rule 1.261 have been satisfied.

b. A class action should be permitted for the fair and efficient adjudication of the controversy.

c. The representative parties fairly and adequately will protect the interests of the class.

1.262(3) If appropriate, the court may do any of the following:

a. Certify an action as a class action with respect to a particular claim or issue.

b. Certify an action as a class action to obtain one or more forms of relief, equitable, declaratory, or monetary.

c. Divide a class into subclasses and treat each subclass as a class.
[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.263 Criteria considered.

1.263(1) In determining whether the class action should be permitted for the fair and efficient adjudication of the controversy, as appropriately limited under rule 1.262(3), the court shall consider and give appropriate weight to the following and other relevant factors:

a. Whether a joint or common interest exists among members of the class.

b. Whether the prosecution of separate actions by or against individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for a party opposing the class.

c. Whether adjudications with respect to individual members of the class as a practical matter would be dispositive of the interests of other members not parties to the adjudication or substantially impair or impede their ability to protect their interests.

d. Whether a party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making final injunctive relief or corresponding declaratory relief appropriate with respect to the class as a whole.

e. Whether common questions of law or fact predominate over any questions affecting only individual members.

f. Whether other means of adjudicating the claims and defenses are impracticable or inefficient.

g. Whether a class action offers the most appropriate means of adjudicating the claims and defenses.

h. Whether members who are not representative parties have a substantial interest in individually controlling the prosecution or defense of separate actions.

i. Whether the class action involves a claim that is or has been the subject of a class action, a government action, or other proceeding.

j. Whether it is desirable to bring the class action in another forum.

k. Whether management of the class action poses unusual difficulties.

l. Whether any conflict of laws issues involved pose unusual difficulties.

m. Whether the claims of individual class members are insufficient in the amounts or interests involved, in view of the complexities of the issues and the expenses of the litigation, to afford significant relief to the members of the class.

1.263(2) In determining under rule 1.262(2) that the representative parties fairly and adequately will protect the interests of the class, the court must find all of the following:

a. The attorney for the representative parties will adequately represent the interests of the class.

b. The representative parties do not have a conflict of interest in the maintenance of the class action.

c. The representative parties have or can acquire adequate financial resources, considering rule 1.276, to ensure that the interests of the class will not be harmed.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.264 Order on certification.

1.264(1) The order of certification shall describe the class and state the following:

a. The relief sought.

b. Whether the action is maintained with respect to particular claims or issues.

c. Whether subclasses have been created.

1.264(2) The order certifying or refusing to certify a class action shall state the reasons for the court's ruling and its findings on the facts listed in rule 1.263(1).

1.264(3) An order certifying or refusing to certify an action as a class action is appealable.

1.264(4) Refusal of certification does not terminate the action, but does preclude it from being maintained as a class action.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.265 Amendment of certification order.

1.265(1) The court may amend the certification order at any time before entry of judgment on the merits. The amendment may do the following:

a. Establish subclasses.

b. Eliminate from the class any member who was included in the class as certified.

c. Provide for an adjudication limited to certain claims or issues.

d. Change the relief sought.

e. Make any other appropriate change in the order.

1.265(2) If notice of certification has been given pursuant to rule 1.266, the court may order notice of the amendment of the certification order to be given in terms and to any members of the class the court directs.

1.265(3) The reasons for the court's ruling shall be set forth in the amendment of the certification order.

1.265(4) An order amending the certification order is appealable. An order denying the motion of a member of a defendant class, not a representative party, to amend the certification order is appealable if the court certifies it for immediate appeal.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.266 Notice of action.

1.266(1) Following certification the court, by order after hearing, shall direct the giving of notice to the class.

1.266(2) The notice, based on the certification order and any amendment of the order, shall include all of the following:

a. A general description of the action, including the relief sought, and the names and addresses of the representative parties.

b. A statement of the right of a member of the class under rule 1.267 to be excluded from the action by filing an election to be excluded, in the manner specified, by a certain date.

c. A description of possible financial consequences on the class.

d. A general description of any counterclaim being asserted by or against the class, including the relief sought.

e. A statement that the judgment, whether favorable or not, will bind all members of the class who are not excluded from the action.

f. A statement that any member of the class may enter an appearance either personally or through counsel.

g. An address to which inquiries may be directed.

h. Other information the court deems appropriate.

1.266(3) The order shall prescribe the manner of notification to be used and specify the members of the class to be notified. In determining the manner and form of the notice to be given, the court shall consider the interests of the class, the relief requested, the cost of notifying the members of the class, and the possible prejudice to members who do not receive notice.

1.266(4) Each member of the class, not a representative party, whose potential monetary recovery or liability is estimated to exceed $100 shall be given personal or mailed notice if that member's identity and whereabouts can be ascertained by the exercise of reasonable diligence.

1.266(5) For members of the class not given personal or mailed notice under rule 1.266(4), the court shall provide, as a minimum, a means of notice reasonably calculated to apprise the members of the class of the pendency of the action. Techniques calculated to ensure effective communication of information concerning commencement of the action shall be used. The techniques may include personal or mailed notice, notification by means of newspaper, television, radio, posting in public or other places, and distribution through trade, union, public interest, or other appropriate groups.

1.266(6) The plaintiff shall advance the expense of notice under this rule if there is no counterclaim asserted. If a counterclaim is asserted the expense of notice shall be allocated as the court orders in the interest of justice.

1.266(7) The court may order that steps be taken to minimize the expense of notice.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.267 Exclusion.

1.267(1) A member of a plaintiff class may elect to be excluded from the action unless any of the following occur:

a. The member is a representative party.

b. The certification order contains an affirmative finding under rule 1.263(1)(*a*), (*b*), or (*c*).

c. A counterclaim under rule 1.270 is pending against the member or that member's class or subclass.

1.267(2) Any member of a plaintiff class entitled to be excluded under rule 1.267(1) who files an election to be excluded, in the manner and in the time specified in the notice, is excluded from and not bound by the judgment in the class action.

1.267(3) The elections shall be made a part of the record in the action.

1.267(4) A member of a defendant class may not elect to be excluded.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.268 Conduct of action.

1.268(1) The court on motion of a party or its own motion may make or amend any appropriate order dealing with the conduct of the action including, but not limited to, any of the following:

a. Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument.

b. Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given as the court directs, of the following:

(1) Any step in the action.

(2) The proposed extent of the judgment.

(3) The opportunity of members to signify whether they consider the representation fair and adequate, to enter an appearance and present claims or defenses, or otherwise participate in the action.

c. Imposing conditions on the representative parties or on intervenors.

d. Inviting the attorney general to participate with respect to the question of adequacy of class representation.

e. Making any other order to ensure that the class action proceeds only with adequate class representation.

f. Making any order to ensure that the class action proceeds only with competent representation by the attorney for the class.

1.268(2) A class member who is not a representative party may appear and be represented by separate counsel.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.269 Discovery by or against class members.

1.269(1) Discovery may be used only on order of the court against a member of the class who is not a representative party or who has not appeared. In deciding whether discovery should be allowed the court shall consider, among other relevant factors, the timing of the request, the subject matter to be covered, whether representatives of the class are seeking discovery on the subject to be covered, and whether the discovery will result in annoyance, oppression, or undue burden or expense for the member of the class.

1.269(2) Discovery by or against representative parties or those appearing is governed by the rules dealing with discovery by or against a party to a civil action.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.270 Counterclaims.

1.270(1) A defendant in an action brought by a class may plead as a counterclaim any claim the court certifies as a class action against the plaintiff class. On leave of court, the defendant may plead as a counterclaim a claim against a member of the class or a claim the court certifies as a class action against a subclass.

1.270(2) Any counterclaim in an action brought by a plaintiff class must be asserted before notice is given under rule 1.266.

1.270(3) If a judgment for money is recovered against a party on behalf of a class, the court rendering judgment may stay distribution of any award or execution of any portion of a judgment allocated to a member of the class against whom the losing party has pending an action in or out of state for a judgment for money, and continue the stay so long as the losing party in the class action pursues the pending action with reasonable diligence.

1.270(4) A defendant class may plead as a counterclaim any claim on behalf of the class that the court certifies as a class action against the plaintiff. The court may certify as a class action a counterclaim against the plaintiff on behalf of a subclass or permit a counterclaim by a member of the class. The court shall order that notice of the counterclaim by the class, subclass, or member of the class be given to the members of the class as the court directs, in the interest of justice.

1.270(5) A member of a class or subclass asserting a counterclaim shall be treated as a member of a plaintiff class for the purpose of exclusion under rule 1.267.

1.270(6) The court's refusal to allow, or the defendant's failure to plead, a claim as a counterclaim in a class action does not bar the defendant from asserting the claim in a subsequent action.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.271 Dismissal or compromise.

1.271(1) Unless certification has been refused under rule 1.262, a class action, without the approval of the court after hearing, may not be:

a. Dismissed voluntarily.

b. Dismissed involuntarily without an adjudication on the merits.

c. Compromised.

1.271(2) If the court has certified the action under rule 1.262, notice of hearing on the proposed dismissal or compromise shall be given to all members of the class in a manner the court directs. If the court has not ruled on certification, notice of hearing on the proposed dismissal or compromise may be ordered by the court which shall specify the persons to be notified and the manner in which notice is to be given.

1.271(3) Notice given under rule 1.271(2) shall include a description of the procedure available for modification of the dismissal or compromise and a full disclosure of the reasons for the dismissal or compromise including, but not limited to, the following:

a. Any payments made or to be made in connection with the dismissal or compromise.

b. The anticipated effect of the dismissal or compromise on the class members.

c. Any agreement made in connection with the dismissal or compromise.

d. A description and evaluation of alternatives considered by the representative parties.

e. An explanation of any other circumstances giving rise to the proposal.

1.271(4) On the hearing of the dismissal or compromise, the court may do any of the following:

a. As to the representative parties or a class certified under rule 1.262, permit dismissal with or without prejudice or approve the compromise.

b. As to a class not certified, permit dismissal without prejudice.

c. Deny the dismissal.

d. Disapprove the compromise.

e. Take other appropriate action for the protection of the class and in the interest of justice.

1.271(5) The cost of notice given under rule 1.271(2) shall be paid by the party seeking dismissal, or as agreed in case of a compromise, unless the court after a hearing orders otherwise.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.272 Effect of judgment on class. In a class action certified under rule 1.262 in which notice has been given under rule 1.266 or 1.271, a judgment as to the claim or particular claim or issue certified is binding, according to its terms, on any member of the class who has not filed an election of exclusion under rule 1.267. The judgment shall name or describe the members of the class who are bound by its terms.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.273 Costs.

1.273(1) Only the representative parties and those members of the class who have appeared individually are liable for costs assessed against a plaintiff class.

1.273(2) The court shall apportion the liability for costs assessed against a defendant class.

1.273(3) Expenses of notice advanced under rule 1.266 are taxable as costs in favor of the prevailing party.

[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.274 Relief afforded.

1.274(1) The court may award any form of relief consistent with the certification order to which the party in whose favor it is rendered is entitled including equitable, declaratory, monetary, or other relief to individual members of the class or the class in a lump sum or installments.

1.274(2) Damages fixed by a minimum measure of recovery provided by any statute may not be recovered in a class action.

1.274(3) If a class is awarded a judgment for money, the distribution shall be determined as follows:

a. The parties shall list as expeditiously as possible all members of the class whose identity can be determined without expending a disproportionate share of the recovery.

b. The reasonable expense of identification and distribution shall be paid, with the court's approval, from the funds to be distributed.

c. The court may order steps taken to minimize the expense of identification.

d. The court shall supervise, and may grant or stay the whole or any portion of, the execution of the judgment and the collection and distribution of funds to the members of the class as their interests warrant.

e. The court shall determine what amount of the funds available for the payment of the judgment cannot be distributed to members of the class individually because they could not be identified or located or because they did not claim or prove the right to money apportioned to them. The court after a hearing shall distribute that amount, in whole or in part, to one or more states as unclaimed property or to the defendant or to the Iowa Supreme Court Lawyer Trust Account Commission.

f. In determining the amount, if any, to be distributed to a state or to the defendant, the court shall consider the following criteria:

(1) Any unjust enrichment of the defendant.
(2) The willfulness or lack of willfulness on the part of the defendant.
(3) The impact on the defendant of the relief granted.
(4) The pendency of other claims against the defendant.
(5) Any criminal sanction imposed on the defendant.
(6) The loss suffered by the plaintiff class.

g. The court, in order to remedy or alleviate any harm done, may impose conditions respecting the use of the money distributed to the defendant.

h. Any amount to be distributed to a state shall be distributed as unclaimed property to any state in which are located the last-known addresses of the members of the class to whom distribution could not be made. If the last-known addresses cannot be ascertained with reasonable diligence, the court may determine by other means what portion of the unidentified or unlocated members of the class were residents of a state. A state shall receive that portion of the distribution that its residents would have received had they been identified and located. Before entering an order distributing any part of the amount to a state, the court shall give written notice of its intention to make distribution to the attorney general of the state of the residence of any person given notice under rule 1.266 or 1.271 and shall afford the attorney general an opportunity to move for an order requiring payment to the state.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rule 1.275 Attorney's fees.

1.275(1) Attorney's fees for representing a class are subject to control of the court.

1.275(2) If under an applicable provision of law a defendant or defendant class is entitled to attorney's fees from a plaintiff class, only representative parties and those members of the class who have appeared individually are liable for those fees. If a plaintiff is entitled to attorney's fees from a defendant class, the court may apportion the fees among the members of the class.

1.275(3) If a prevailing class recovers a judgment for money or other award that can be divided for the purpose, the court may order reasonable attorney's fees and litigation expenses of the class to be paid from the recovery.

1.275(4) If the prevailing class is entitled to declaratory or equitable relief, the court may order the adverse party to pay to the class its reasonable attorney's fees and litigation expenses, if permitted by law in similar cases not involving a class, or the court finds that the judgment has vindicated an important public interest. However, if any monetary award is also recovered, the court may allow reasonable attorney's fees and litigation expenses only to the extent that a reasonable proportion of that award is insufficient to defray the fees and expenses.

1.275(5) In determining the amount of attorney's fees for a prevailing class the court shall consider all of the following factors:

a. The time and effort expended by the attorney in the litigation, including the nature, extent, and quality of the services rendered.

b. Results achieved and benefits conferred upon the class.

c. The magnitude, complexity, and uniqueness of the litigation.

d. The contingent nature of success.

e. In cases awarding attorney's fees and litigation expenses under rule 1.275(4) because of the vindication of an important public interest, the economic impact on the party against whom the award is made.

f. Appropriate criteria in the Iowa Rules of Professional Conduct.

[Report 1980; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 1.276 Arrangements for attorney's fees and expenses.

1.276(1) Before a hearing under rule 1.262(1) or at any other time the court directs, the representative parties and the attorney for the representative parties shall file with the court, jointly or separately, all of the following:

a. A statement showing any amount paid or promised them by any person for the services rendered or to be rendered in connection with the action or for the costs and expenses of the litigation and the source of all of the amounts.

b. A copy of any written agreement, or a summary of any oral agreement, between the representative parties and their attorney concerning financial arrangements or fees.

c. A copy of any written agreement, or a summary of any oral agreement, by the representative parties or the attorney to share these amounts with any person other than a member, regular associate, or an attorney regularly of counsel with that law firm.

This statement shall be supplemented promptly if additional arrangements are made.

1.276(2) Upon a determination that the costs and litigation expenses of the action cannot reasonably and fairly be defrayed by the representative parties or by other available sources, the court by order may authorize and control the solicitation and expenditure of voluntary contributions for this purpose from members of the class, advances by the attorneys or others, or both, subject to reimbursement from any recovery obtained for the class. The court may order any available funds so contributed or advanced to be applied to the payment of any costs taxed in favor of a party opposing the class.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.277 Statute of limitations. The statute of limitations is tolled for all class members upon the commencement of an action asserting a class action. The statute of limitations resumes running against a member of a class:

1.277(1) Upon filing an election of exclusion by that member.

1.277(2) Upon entry of an order of certification, or of an amendment thereof, eliminating that member from the class.

1.277(3) Except as to representative parties, upon entry of an order under rule 1.262 refusing to certify an action as a class action.

1.277(4) Upon dismissal of the action without an adjudication on the merits.

[Report 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: Former Iowa R. Civ. P. 42.6 was stricken in order to eliminate its restriction on personal jurisdiction over nonresident class members, and to permit exercise of jurisdiction over nonresident class members to the extent permitted by the U.S. and state constitutions as interpreted by the courts. Former Iowa Rs. Civ. P. 42.19 and 42.20 were stricken because the Model Act has been adopted in only two states.

Rule 1.278 Virtual representation. Where persons composing a class which may be increased by others later born, do or may make a claim affecting specific property involved in an action to which all living members of the class are parties, any others later born shall also be deemed to have been parties to the action and bound by any decree rendered therein.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.279 Shareholder's actions. Shareholders in an incorporated or unincorporated association, who sue to enforce its rights because of its failure to do so, shall support their petition by affidavit, and allege their efforts to have the directors, trustees or other shareholders bring the action or enforce the right, or a sufficient reason for not making such effort.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.280 Reserved.

G. EXPEDITED CIVIL ACTIONS

Rule 1.281 Expedited civil actions.

1.281(1) *General provisions.*

a. Eligible actions. Rule 1.281 governs "expedited civil actions" in which the sole relief sought is a money judgment and in which all claims (other than compulsory counterclaims) for all damages by or against any one party total $75,000 or less, including damages of any kind, penalties, prefiling interest,

and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs.

b. Excluded actions. Rule 1.281 does not apply to small claims or domestic relations cases.

c. Electing expedited procedures. Eligible plaintiffs can elect to proceed as an expedited civil action by certifying that the sole relief sought is a money judgment and that all claims (other than compulsory counterclaims) for all damages by or against any one party total $75,000 or less, including damages of any kind, penalties, prefiling interest, and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs. The certification must be on a form approved by the supreme court and signed by all plaintiffs and their attorneys if represented. Eligible plaintiffs must file the certification before the discovery conference deadline under rule 1.507(1). The certification is not admissible to prove a plaintiff's damages in the expedited civil action or in any other proceeding.

d. Iowa Rules of Civil Procedure otherwise apply. Except as otherwise specifically provided by this rule, the Iowa Rules of Civil Procedure are applicable to expedited civil actions. Iowa Court Rule 23.5—Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action must be used for expedited civil actions in lieu of Form 2 of rule 23.5.

e. Limitation on damages. Except as provided in rule 1.281(1)(*f*), a party proceeding under rule 1.281 may not recover a judgment in excess of $75,000, nor may a judgment be entered against a party in excess of $75,000, excluding prejudgment interest that accrues after the filing date, postjudgment interest, and costs. The jury, if any, must not be informed of the $75,000 limitation. If the jury returns a verdict for damages in excess of $75,000 for or against a party, the court may not enter judgment on that verdict in excess of $75,000, exclusive of prejudgment interest that accrues after the filing date, postjudgment interest, and costs.

f. Stipulated expedited civil action. In a civil action not eligible under rule 1.281(1)(*a*) and not excluded by rule 1.281(1)(*b*), the parties may request to proceed as an expedited civil action upon the parties' filing of a Joint Motion to Proceed as an Expedited Civil Action. If the court grants the parties' motion, and unless the parties have otherwise agreed, the parties will not be bound by the $75,000 limitation on judgments in rule 1.281(1)(*e*). The parties may enter into additional stipulations regarding damages and attorney fees. Unless otherwise ordered, the joint motion and any stipulations must not be disclosed to the jury.

g. Termination of expedited civil action. Upon timely application of any party, the court may terminate application of this rule and enter such orders as are appropriate under the circumstances if:

(1) The moving party makes a specific showing of substantially changed circumstances sufficient to render the application of this rule unfair; or

(2) A party has in good faith filed a compulsory counterclaim that seeks relief other than that allowed under rule 1.281(1)(*a*).

h. Permissive counterclaims. Permissive counterclaims are subject to the $75,000 limitation on damages under rule 1.281(1)(*e*), unless the court severs the permissive counterclaim.

i. Side. As used throughout rule 1.281, the term "side" refers to all the litigants with generally common interests in the litigation.

COMMENT:

Rule 1.281(1)(*a*). The rule provides that absent stipulation, a single party in an expedited civil action cannot recover more than $75,000 or be liable for more than $75,000. A single party could obtain a damage verdict in excess of $75,000, so long as the final judgment in the proceeding in favor of that party (after apportionment of fault and offsets for any settlements and exclusive of prejudgment interest, postjudgment interest, and costs) does not exceed $75,000.
[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(1)(*c*). Rule 1.1901 provides the Expedited Civil Action Certificate for eligible plaintiffs to complete.
[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(1)(*g*). If the judgment in an expedited civil action is reversed and remanded on appeal, the case remains subject to rule 1.281 on remand, unless the trial court, upon motion, terminates the expedited civil action pursuant to this provision.
[Court Order August 28, 2014, effective January 1, 2015]

1.281(2) *Discovery in expedited civil actions.*

a. Discovery period. Except upon agreement of the parties or leave of court granted upon a showing of good cause, all discovery must be completed no later than 60 days before trial.

b. Initial disclosures. Expedited civil actions are subject to the initial disclosure requirements of rule 1.500(1).

c. Limited and simplified discovery procedures. Except upon agreement of the parties or leave of court granted upon a showing of good cause, discovery in expedited civil actions is subject to the following additional limitations:

(1) *Interrogatories to parties.* Subject to rule 1.509(4), each side may serve no more than ten interrogatories on any other side.

(2) *Production of documents.* In addition to document disclosures required under rule 1.500(1)(*a*), each side may serve no more than ten requests for production on any other side under rule 1.512.

(3) *Requests for admission.* Each side may serve no more than ten requests for admission on any other side under rule 1.510. This limit does not apply to requests for admission of the genuineness of documents that the party intends to offer into evidence at trial.

(4) *Depositions upon oral examination.*

1. *Parties.* One deposition of each party may be taken. With regard to corporations, partnerships, voluntary associations, or any other groups or entities named as a party, one representative deponent may be deposed.

2. *Other deponents.* Each side may take the deposition of up to two nonparties.

d. Number of expert witnesses. Each side is entitled to one retained expert, except upon agreement of the parties or leave of court granted upon a showing of good cause.

e. Motion for leave of court. A motion for leave of court to modify the limitations provided in rule 1.281(2) must be in writing and must set forth the proposed additional discovery and the reasons establishing good cause for its use.

1.281(3) *Motions.*

a. Motions to dismiss. Any party may file any motion permitted by rule 1.421. Unless the court orders a stay, the filing of a motion to dismiss will not eliminate or postpone otherwise applicable pleading or disclosure requirements.

b. Motions for summary judgment.

(1) *Limited grounds.* Motions for summary judgment under rule 1.981 may be made in an expedited civil action only upon the following grounds:

1. To collect on an open account or other liquidated debt.
2. To establish an obligation to indemnify.
3. To assert an immunity defense.
4. Failure to comply with Iowa Code section 668.11 or other deadline for disclosure.
5. Failure to provide notice or exhaust remedies as required by law.
6. To raise any other matter constituting an avoidance or affirmative defense.

(2) *Limited number.* Each party may file no more than one motion for summary judgment under rule 1.981. The motion may include more than one ground authorized under rule 1.281(3)(*b*)(1).

(3) *Deadline.* Motions for summary judgment under rule 1.981 must be filed no later than 90 days before trial.

COMMENT:

Rule 1.281(3)(*b*)(1)(4). If a case requires expert testimony, failure to timely designate an expert or to make a timely expert disclosure could be a permissible ground for summary judgment under this rule.

[Court Order August 28, 2014, effective January 1, 2015]

1.281(4) *Procedure for expedited trials.*

a. Demand for jury trial. Any party who desires a jury trial of any issue triable of right by a jury must file and serve upon the other parties a demand for jury trial pursuant to rule 1.902. Otherwise, expedited civil actions will be tried to the court.

b. Trial setting. The court shall set the expedited civil action for trial on a date certain, which will be a firm date except that the court may later reschedule the trial for another date during the same week. Unless the court otherwise orders for good cause shown, expedited civil actions must be tried within one year of filing of the petition.

c. Pretrial submissions. In addition to the pretrial submissions required by rules 1.500(3) and 23.5—Form 3(8), the parties must file one jointly proposed set of jury instructions and verdict forms. If a jury instruction or verdict form is controverted, each side must include its specific objections, supporting authority, and, if desired, a proposed alternative instruction or verdict form for the court's approval, denial, or modification. Both stipulated and alternative proposed jury instructions and verdict forms must be set forth in one document that is filed electronically in word processing format with the court.

d. Expedited civil jury trial. Unless otherwise ordered, the jury in an expedited civil jury trial will consist of six persons selected from a panel of twelve prospective jurors. Each side must strike three prospective jurors. If the expedited civil jury is unable to reach a unanimous verdict after deliberating for a period of not less than three hours, the verdict can be rendered by a five-juror majority. Where

there are more than two sides, the court in its discretion may authorize and fix an additional number of jurors to be impaneled and strikes to be exercised.

e. Expedited nonjury trial. The court trying an expedited civil action without a jury may, in its discretion, dispense with findings of fact and conclusions of law and instead render judgment on a general verdict, special verdicts, or answers to interrogatories that are accompanied by relevant legal instructions that would be used if the action were being tried to a jury. In such cases, the parties must comply with the pretrial submission requirements of rule 1.281(4)(*c*). When the court follows this procedure, parties must make their record with respect to objections to or requests for instructions, special verdicts, and answers to interrogatories as in a jury trial. Posttrial motions will be permitted as in a jury trial except that the court may, in lieu of ordering a new trial, enter new verdicts or answers to interrogatories on the existing trial record.

f. Time limit for trial. Expedited civil actions should ordinarily be submitted to the jury or the court within two business days from the commencement of trial. Unless the court allows additional time for good cause shown, each side is allowed no more than six hours to complete jury selection, opening statements, presentation of evidence, examination and cross-examination of witnesses, and closing arguments. Time spent on objections, bench conferences, and challenges for cause to a juror is not included in the time limit.

g. Evidence.

(1) *Stipulations.* Parties should stipulate to factual and evidentiary matters to the greatest extent possible.

(2) *Documentary evidence admissible without custodian certification or testimony.* The court may overrule objections based on authenticity and hearsay to the admission of a document, notwithstanding the absence of testimony or certification from a custodian or other qualified witness, if:

1. The party offering the document gives notice to all other parties of the party's intention to offer the document into evidence at least 90 days in advance of trial. The notice must be given to all parties together with a copy of any document intended to be offered.

2. The document on its face appears to be what the proponent claims it is.

3. The document on its face appears not to be hearsay or appears to fall within a hearsay exception set forth in Iowa Rule of Evidence 5.803(3), 5.803(4), 5.803(6), 5.803(7), 5.803(8), 5.803(9), 5.803(10), 5.803(11), 5.803(12), 5.803(13), 5.803(14), 5.803(15), 5.803(16), 5.803(17), or 5.803(22).

4. The objecting party has not raised a substantial question as to the authenticity or trustworthiness of the document.

5. Nothing in rule 1.281(4)(*g*)(2) affects the operation of other Iowa Rules of Evidence such as rules 5.402, 5.403, and 5.404.

6. Nothing in rule 1.281(4)(*g*)(2) authorizes admission of a document that contains hearsay within hearsay, unless the court determines from the face of the document that each part of the combined statements conforms with an exception to the hearsay rule set forth in rule 1.281(4)(*g*)(2)(3).

7. Any authenticity or hearsay objections to a document as to which notice has been provided under rule 1.281(4)(*g*)(2)(1) must be made within 30 days after receipt of the notice.

(3) *Health Care Provider Statement in Lieu of Testimony.*

1. The report of any treating health care provider concerning the claimant may be used in lieu of deposition or in-court testimony of the health care provider, provided that the report offered into evidence is on the Health Care Provider Statement in Lieu of Testimony form adopted by the supreme court, and is signed by the health care provider making the report.

2. A Health Care Provider Statement in Lieu of Testimony must be accompanied by a certification from counsel for claimant listing all communications between counsel and the health care provider.

3. Unless otherwise stipulated or ordered by the court, a copy of the completed health care provider statement must be served on all parties at least 150 days in advance of trial. Any objections to the health care provider statement, including an objection that the statement is incomplete or does not otherwise comply with rule 1.281(4)(*g*)(3), must be made within 30 days after receipt of the statement. For good cause shown, the court may issue such orders regarding the health care provider statement as justice may require, including an order permitting a health care provider to supplement the statement.

4. Any party against whom a health care provider statement may be used has the right, at the party's own initial expense, to cross-examine by deposition the health care provider signing the report, and the deposition may be used at trial.

COMMENT:

Rule 1.281(4)(*b*). The parties may stipulate to a reasonable time beyond the one-year time limit in order to accommodate scheduling conflicts. The court, however, may set the expedited civil action for trial within the one-year period absent party consent.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(*e*). The rule is intended to conserve judicial time and resources by giving the court discretion to dispense with findings of fact and conclusions of law and instead render a verdict as if the court were sitting as a "jury of one." The use of jury instructions and a verdict form in lieu of findings of fact and conclusions of law permits appellate review of the court's ruling. The cross-reference to rule 1.281(4)(*c*) clarifies that the parties must submit jointly one proposed set of jury instructions and a verdict form to the court trying the case without a jury. And, as also required by rule 1.281(4)(*c*), the parties must timely note objections to the final form of jury instructions and verdict form used by the court. Rule 1.904(2), governing motions to enlarge or amend findings and conclusions, does not apply in expedited nonjury trials in which the court dispenses with findings and conclusions.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(*g*)(2). The rule streamlines the presentation of records at trial, such as medical and business records, by allowing admission without a sponsoring witness to establish authenticity and the elements of a hearsay exception. This rule authorizes the court to review and admit the record on its face subject to other objections, such as relevance, upon a determination that the record appears to be genuine and appears not to be hearsay or to fall within one of several enumerated hearsay exceptions, such as statements for purpose of medical diagnosis or treatment, records of regularly conducted activity, or public records and reports (rules 5.803(4), 5.803(6), and 5.803(8)). If the record appears genuine and appears to qualify for one of the enumerated hearsay exceptions, the burden shifts to the other side to raise a substantial question as to its authenticity or trustworthiness. Rule 1.281(4)(*g*)(2) may only be used if the proponent of the record has given notice to other parties sufficiently in advance of trial of its intent to rely on this rule, while serving a copy of the record. See rule 1.281(4)(*g*)(2)(1).

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(*g*)(3)(1). The rule permits a party to admit the out-of-court declaration of a health care provider in lieu of the health care provider's in-court testimony. It prohibits hearsay objections based solely on the fact that the health care provider has not testified at trial or in a deposition subject to cross-examination.

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.281(4)(*g*)(3)(3). Any party may object to all or part of the Health Care Provider Statement in Lieu of Testimony, including the proponent of the statement. The rule provides that the court must rule on any objection to the health care provider statement sufficiently in advance of trial so as to give the proponent an opportunity to rectify any deficiencies in the statement. In ruling on such objections, the court has discretion to determine matters such as whether the health care provider has provided actual medical treatment for the patient, whether the health care provider has substantially answered the questions on the statement, or whether to redact any portion of the statement.

[Court Order August 28, 2014, effective January 1, 2015]

1.281(5) *Settlement conference; alternative dispute resolution.* Unless the parties have agreed to engage in alternative dispute resolution or are required to do so by contract or statute, the court may not, by order or local rule, require the parties to engage in a settlement conference or in any other form of alternative dispute resolution.

1.281(6) *Claim preclusion; issue preclusion.* Judgments or orders in an expedited civil action may not be relied upon to establish claim preclusion or issue preclusion unless the party seeking to rely on a judgment or order for preclusive effect was either a party or in privity with a party in the expedited civil action.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; March 7, 2018, effective January 1, 2019]

Rules 1.282 to **1.300** Reserved.

DIVISION III
COMMENCEMENT OF ACTIONS

Rule 1.301 Commencement of actions; tolling; cover sheet.

1.301(1) For all purposes, a civil action is commenced by filing a petition with the court. The date of filing shall determine whether an action has been commenced within the time allowed by statutes for limitation of actions, even though the limitation may inhere in the statute creating the remedy.

1.301(2) A cover sheet available from the clerk of court or from the judicial branch web site (www.iowacourts.gov) must be completed and accompany every civil petition except in small claims, probate, and mental health commitment actions. This requirement is solely for administrative purposes, and matters appearing on the civil cover sheet have no legal effect in the action. The clerk may assist pro se litigants in completing the cover sheet. The cover sheet may be modified from time to time as deemed necessary by the supreme court.

[Report 1943; amendment 1975; October 31, 1997, effective January 24, 1998; December 21, 1999, effective February 1, 2000; October 18, 2000, effective January 2, 2001; November 9, 2001, effective February 15, 2002]

Rule 1.302 Original notice; form, issuance and service. A notice to the defendant, respondent, or other party against whom an action has been filed shall be served in the form and manner provided by this rule. This notice shall be called the original notice.

1.302(1) The original notice shall contain the following information:

a. The name of the court and the names of the parties.

b. The name, address, telephone number, and if available, the facsimile transmission number of the plaintiff's or petitioner's attorney, if any, otherwise the plaintiff's or petitioner's address.

c. The date of the filing of the petition.

d. The time within which these rules or statutes require the defendant, respondent, or other party to serve, and within a reasonable time thereafter file, a motion or answer.

The original notice shall also state that if the defendant, respondent or other party fails to move or answer, judgment by default may be rendered for the relief demanded in the petition. The original notice shall also include the compliance notice required by the Americans with Disabilities Act (ADA). A copy of the petition shall be attached to the original notice except when service is by publication. If service is by publication, the original notice alone shall be published and shall also contain a general statement of the claim or claims and, subject to the limitation in rule 1.403(1), the relief demanded.

1.302(2) The original notice shall be signed by the clerk and be under the seal of the court.

1.302(3) An original notice shall be served with a copy of the petition. The plaintiff is responsible for service of an original notice and petition within the time allowed under rule 1.302(5) and shall furnish the person effecting service with the necessary copies of the original notice and petition. This rule does not apply to small claims actions.

1.302(4) Original notices may be served by any person who is neither a party nor the attorney for a party to the action. A party or party's agent or attorney may take an acknowledgment of service and deliver a copy of the original notice in connection therewith and may mail a copy of the original notice when mailing is required or permitted under any rule or statute.

1.302(5) If service of the original notice is not made upon the defendant, respondent, or other party to be served within 90 days after filing the petition, the court, upon motion or its own initiative after notice to the party filing the petition, shall dismiss the action without prejudice as to that defendant, respondent, or other party to be served or direct an alternate time or manner of service. If the party filing the papers shows good cause for the failure of service, the court shall extend the time for service for an appropriate period.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003]

COMMENT: Rule 1.302 is a combination of former Iowa Rs. Civ. P. 49, 50 and 52 reorganized to present the information in a more logical sequence. This rule was changed to reflect the present practice. Original notices should now include the telephone number and facsimile transmission number of the party's attorney requesting the issuance of an original notice. It also requires the original notice to have the proper ADA notice. The language is changed stating a default "may be rendered" rather than "will be rendered." This change reflects the actual practice and the 10-day notice before a default judgment can be entered. The rule also has a 90-day requirement for service. Ninety days was chosen in order that service would be perfected prior to the issuance of scheduling orders by most courts. The forms of the original notices contained in the appendix are changed accordingly.

Rule 1.303 Time for motion or answer to petition.

1.303(1) Unless otherwise provided, the defendant, respondent, or other party shall serve, and within a reasonable time thereafter file, a motion or answer within 20 days after the service of the original notice and petition upon such party.

1.303(2) Any statute of Iowa which specifically requires response by a particular party, or in a particular action, within a specified time, shall govern the time for serving, and within a reasonable time thereafter filing, a motion or answer in such cases.

1.303(3) A defendant, respondent, or other party served in a manner prescribed by an order of court shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed.

1.303(4) A defendant, respondent, or other party served by publication or by publication and mailing shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed in the notice as published, which date shall not be less than 20 days after the date of last publication.

1.303(5) A defendant, respondent, or other party served by mail under rule 1.306 shall serve, and within a reasonable time thereafter file, a motion or answer on or before the date fixed in the notice as mailed, which date shall be not less than 60 days following the date of mailing.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.304 Response of garnishee. The officer serving a writ of attachment or execution shall garnish such persons as the plaintiff may direct who are supposed debtors, or who possess property of the principal defendant. Garnishment shall be effected by a notice served in the manner and as an original notice in civil actions. The notice shall forbid the garnishee from paying any debt owing such defendant, due or to become due, and require the garnishee to retain possession of all property of the defendant in the garnishee's hands or under the garnishee's control, to the end that the same may be dealt with according to law. Unless answers are required to be taken as provided by statute, the notice shall cite the garnishee to appear before the court at a time specified not less than ten days after service and answer such interrogatories as may be propounded, or the garnishee will be liable to pay any judgment which the plaintiff may obtain against the defendant.
[Report 1943; amendment 1945; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.305 Personal service. Original notices are "served" by delivering a copy to the proper person. Personal service may be made as follows:

1.305(1) Upon any individual who has attained majority and who has not been adjudged incompetent, either by taking the individual's signed, dated acknowledgment of service endorsed on the notice, or by serving the individual personally; or by serving, at the individual's dwelling house or usual place of abode, any person residing therein who is at least 18 years old, but if such place is a rooming house, hotel, club or apartment building, a copy may be delivered to such person who resides with the individual or is either a member of the individual's family or the manager or proprietor of such place; or upon the individual's spouse at a place other than the individual's dwelling house or usual place of abode if probable cause exists to believe that the spouse lives at the individual's dwelling house or usual place of abode.

1.305(2) Upon a minor by serving the minor's conservator or guardian, unless the notice is served on behalf of such conservator or guardian, or the minor's parent, or some person aged 18 years or more who has the minor's care and custody, or with whom the minor resides, or in whose service the minor is employed. Where the notice is served on behalf of one who is the conservator or guardian and the conservator or guardian is the only person who would be available upon whom service could be made, the court shall appoint, without prior notice to the ward, a guardian ad litem who shall be served and defend for the minor.

1.305(3) Upon any person adjudged incompetent but not confined in a state hospital for the mentally ill, by serving the conservator or guardian, unless the notice is served on behalf of such conservator or guardian, or that person's spouse, or some person aged 18 years or more who has that person's care and custody, or with whom that person resides. When the notice is served on behalf of one who is the conservator or guardian and the conservator or guardian is the only person who would be available upon whom service could be made, the court shall appoint without prior notice to the ward a guardian ad litem who shall be served and defend for the incompetent person.

1.305(4) Any person confined in a county care facility, or in any state hospital for the mentally ill, or any patient in the State University of Iowa hospital or its psychopathic ward, or any patient or inmate of any institution in the control of a director of a division of the department of health and human services or department of corrections or of the United States, may be served by the official in charge of such institution or that official's assistant. Proof of such service may be made by the certificate of such official, if the institution is in Iowa, or that official's affidavit if it is out of Iowa.

1.305(5) If any defendant, respondent, or other party is a patient in any state or federal hospital for the mentally ill, in or out of Iowa, or has been adjudged incompetent and is confined to a county care facility, the official in charge of such institution or the official's assistant shall accept service on the party's behalf, if in the official's or assistant's opinion direct service on the party would cause injury, which shall be stated in the acceptance.

1.305(6) Upon a partnership, or an association suable under a common name, or a corporation, by serving any present or acting or last known officer thereof, or any general or managing agent, or any agent or person now authorized by appointment or by law to receive service of original notice, or on the general partner of a partnership.

1.305(7) If the action, whether against an individual, corporation, partnership or other association suable under a common name, arises out of or is connected with the business of any office or agency maintained by the defendant in a county other than where the principal resides, by serving any agent or clerk employed in such office or agency.

1.305(8) Upon any city by serving its mayor or clerk.

1.305(9) Upon any county by serving its auditor or the chair of its board of supervisors.

1.305(10) Upon any school district, school township or school corporation by serving its president or secretary.

1.305(11) Upon the state, where made a party pursuant to statutory consent or authorization for suit in the manner provided by any applicable statute.

1.305(12) Upon any individual, corporation, partnership or association suable under a common name, either as provided in these rules, as provided by any consent to service or in accordance with any applicable statute.

1.305(13) Upon a governmental board, commission or agency, by serving its presiding officer, clerk or secretary.

1.305(14) If service cannot be made by any of the methods provided by this rule, any defendant may be served as provided by court order, consistent with due process of law.

[Report 1943; amendment 1945; amended by 58GA, ch152, §201; amended by 62GA, ch 209, §443; amendment 1974; amendment 1975; 1986 Iowa Acts, H.F. 721, §1; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003; June 30, 2023, temporarily effective July 1, 2023, permanently effective August 30, 2023]

Rule 1.306 Alternate method of service. Every corporation, individual, personal representative, partnership or association that shall have the necessary minimum contact with the state of Iowa shall be subject to the jurisdiction of the courts of this state, and the courts of this state shall hold such corporation, individual, personal representative, partnership or association amenable to suit in Iowa in every case not contrary to the provisions of the Constitution of the United States.

Service may be made on any such corporation, individual, personal representative, partnership or association as provided in rule 1.305 within or without the state or, if such service cannot be so made, in any manner consistent with due process of law prescribed by order of the court in which the action is brought.

Nothing herein shall limit or affect the right to serve an original notice upon any corporation, individual, personal representative, partnership or association within or without this state in any manner now or hereafter permitted by statute or rule.

[Report 1975; November 9, 2001, effective February 15, 2002]

Rule 1.307 Member of general assembly. No member of the general assembly shall be held to move or answer in any civil action in any court in this state while such general assembly is in session.

[Report 1943; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; November 9, 2001, effective February 15, 2002]

Rule 1.308 Returns of service.

1.308(1) *Signature; fees.* Iowa officers may make unsworn returns of original notices served by them, as follows: Any sheriff or deputy sheriff, as to service in that officer's own or a contiguous county; any other peace officer, bailiff, or marshal, as to service in that officer's own territorial jurisdiction. The court shall take judicial notice of such signatures. All other returns, except those specified in rules 1.305(4) and 1.305(5), shall be proved by the affidavit of the person making the service. If served in the state of Iowa by a person other than such peace officer acting within the territories above defined or in another state by a person other than a sheriff or other peace officer, reasonable fees or mileage, not to exceed those allowed to a sheriff under Iowa Code section 331.655, shall be taxed as costs.

1.308(2) *Contents.* A return of personal service shall state the time, manner, and place thereof and name the person to whom copy was delivered; and if delivered under rule 1.305(1) to a person other than defendant, respondent, or other party, it must also state the facts showing compliance with said rule.

1.308(3) *Endorsement and filing.* If a sheriff receives the notice for service, the sheriff shall note thereon the date when received, and serve it without delay in the sheriff's own or a contiguous county,

and upon receiving the appropriate fees, the sheriff shall either file it and the return with the clerk, or deliver it by mail or otherwise to the person from whom the sheriff received it.

1.308(4) *Proof of service.* The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process. Failure to make proof of service does not affect the validity of the service.

1.308(5) *By mail.* Where service includes notice by mail, proof of such mailing shall be by affidavit. The affidavit, with a duplicate copy of the papers referred to in the affidavit attached thereto, shall be forthwith filed with the court.

[Report 1943; amendment 1975; February 13, 1986, effective July 1, 1986; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.309 Amendment of process or proof of service. The court may allow any process or proof of service thereof to be amended at any time in its discretion and upon such terms as it deems just, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.

[Report 1975; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.310 Service by publication; what cases. After filing an affidavit that personal service cannot be had on an adverse party in Iowa, the original notice may be served by publication, in any action brought for the following:

1.310(1) For recovery of real property or any estate or interest therein.

1.310(2) For the partition of real or personal property in Iowa.

1.310(3) To foreclose a mortgage, lien, encumbrance or charge on real or personal property.

1.310(4) For specific performance of a contract for sale of real estate.

1.310(5) To establish, set aside or construe a will, if defendant, respondent, or other party resides out of Iowa, or if the residence is unknown.

1.310(6) Against a nonresident of Iowa or a foreign corporation which has property, or debts owing to it in Iowa, sought to be taken by any provisional remedy, or appropriated in any way.

1.310(7) Against any defendant, respondent, or other party who, being a nonresident of Iowa, or a foreign corporation, has or claims any actual or contingent interest in or lien on real or personal property in Iowa which is the subject of such action, or to which it relates; or where the action seeks to exclude such defendant, respondent, or other party from any lien, interest or claim therein.

1.310(8) Against any resident of the state who has departed therefrom, or from the county of defendant's, respondent's or other party's residence, with intent to delay or defraud creditors, or to avoid service, or a defendant, respondent or other party who keeps concealed with like intent.

1.310(9) For dissolution of marriage or separate maintenance or to modify a decree in such action, or to annul an illegal marriage, against a party who is a nonresident of Iowa or whose residence is unknown.

1.310(10) To quiet title to real estate, against a party who is a nonresident of Iowa, or whose residence is unknown.

1.310(11) Against a partnership, corporation or association suable under a common name, when no person can be found on whom personal service can be made.

1.310(12) To vacate or modify a judgment or for a new trial under rules 1.1012 and 1.1013.

[Report 1943; amendment 1945; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.311 Known defendants.

1.311(1) In every case where service of original notice is made upon a known defendant, respondent, or other party by publication, copy of the notice shall also be sent by ordinary mail addressed to such party at the party's last-known mailing address, unless an affidavit of a party or that party's attorney is filed stating that no mailing address is known and that diligent inquiry has been made to ascertain it.

1.311(2) Such copy of notice shall be mailed by the party, the party's agent or attorney not less than 20 days before the date for motion or answer.

1.311(3) Proof of such mailing shall be by affidavit, and such affidavit or the affidavit referred to in rule 1.311(1) shall be filed before the entry of judgment or decree. The court, in its judgment or

decree, or prior thereto, shall make a finding that the address to which such copy was directed is the last-known mailing address, or that no such address is known, after diligent inquiry.
[Report 1951; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.312 Unknown defendants, respondents, or other parties. The original notice against unknown parties shall be directed to the unknown claimants of the property involved, describing it. It shall otherwise comply with rule 1.302.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.313 How published. After the filing of a petition, publication of the original notice shall be made once each week for three consecutive weeks in a newspaper of general circulation published in the county where the petition is filed. The newspaper shall be selected by the plaintiff.
[Report 1943; amendment 1951; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.314 Proof of publication. Before default is taken, proof of such publication shall be filed, sworn to by the publisher or an employee of the newspaper.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.315 Actual service. Service of original notice in or out of Iowa according to rule 1.305 supersedes the need of its publication.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.316 to **1.400** Reserved.

DIVISION IV
PLEADINGS AND MOTIONS

A. PLEADINGS GENERALLY

Rule 1.401 Allowable pleadings. There shall be a petition and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a cross-petition, if a person who was not an original party is summoned under the provisions of rule 1.246; and an answer to cross-petition, if a cross-petition is served.
[Report 1943; amendment 1974; Report 1978, effective July 1, 1979; November 9, 2001, effective February 15, 2002]

Rule 1.402 General rules of pleading.

1.402(1) *Form and sufficiency.* The form and sufficiency of all pleadings shall be determined by these rules, construed and enforced to secure a just, speedy and inexpensive determination of all controversies on their merits.

1.402(2) *Pleading to be concise and direct; consistency.*

a. Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings are required.

b. A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or equitable grounds. "Pleadings" as used in these rules do not include motions.

1.402(3) *Correcting or recasting pleadings.* On its own motion or that of any party, the court may order any prolix, confused or multiple pleading to be recast in a concise single document within such time as the order may fix. In like manner, it may order any pleading not complying with these rules to be corrected on such terms as it may impose.

1.402(4) *Amendments.* A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court

or by written consent of the adverse party. Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires.

1.402(5) *Making and construing amendments.* All amendments must be on a separate paper, duly filed, without interlining or expunging prior pleadings. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against the party, the party to be brought in by amendment has received such notice of the institution of the action that the party will not be prejudiced in maintaining a defense on the merits, and knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against the party.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.403 Claims for relief.

1.403(1) *Generally.* A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or cross-petition, shall contain a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for judgment for the type of relief sought. Relief in the alternative or of several different types may be demanded. Except in small claims and cases involving only liquidated damages, a pleading shall not state the specific amount of money damages sought but shall state whether the amount of damages meets applicable jurisdictional requirements for the amount in controversy. The specific amount and elements of monetary damages sought may be obtained through discovery.

1.403(2) *Petition.* The petition shall state whether it is at law or in equity.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.404 Appearances.

1.404(1) *By attorney.* An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of the firm only. Such appearance shall entitle the attorney to service as provided in rule 1.442.

1.404(2) *Appearance alone.* The court shall have no power to treat an appearance as sufficient to delay or prevent a default or any other order which would be made in absence thereof, or of timely pleading. Notice and opportunity to respond to any motion for judgment under rule 1.973(2) shall be given to any party who has appeared.

1.404(3) *Limited appearance.* Pursuant to Iowa R. Prof'l Conduct 32:1.2(c), an attorney's role may be limited to one or more individual proceedings in the action, if specifically stated in a notice of limited appearance filed and served prior to or simultaneously with the proceeding. If the attorney appears at a hearing on behalf of a client pursuant to a limited representation agreement, the attorney shall notify the court of that limitation at the beginning of that hearing.

1.404(4) *Termination of limited appearance.* At the conclusion of a proceeding in which an attorney has appeared pursuant to a limited representation agreement, the attorney's role terminates without the necessity of leave of court upon the attorney's filing a notice of completion of limited appearance. The notice of completion of limited appearance shall state that the attorney was retained to perform a limited service; shall describe the limited service; shall state that the service has been completed; and shall include the personal identification number, address, telephone number and, if available, facsimile transmission number of the client. The attorney shall serve a copy of the notice on the client and all other parties to the action or their attorneys.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; March 12, 2007, effective May 15, 2007]

Rule 1.405 Answer.

1.405(1) *Generally.* The answer shall show on whose behalf it is filed, and specifically admit or deny each allegation or paragraph of the pleading to which it responds, which denial may be for lack of information. It must state any additional facts deemed to show a defense. It may raise points of law appearing on the face of the pleading to which it responds. It may contain a counterclaim which must be in a separate division.

1.405(2) *Answers for ward.* All answers by conservators, guardians or guardians ad litem, or filed under rule 1.212, shall state whether proper service has been had on the ward; and they shall deny all material allegations prejudicial to the ward.

1.405(3) *What admitted.* Every fact pleaded and not denied in a subsequent pleading as permitted by these rules shall be deemed admitted except for any of the following:

a. Allegations of value or amount of damage.

b. Averments in a pleading to which no responsive pleading is required or permitted.

c. Facts not previously pleaded that are set forth in pleadings filed subsequent to the seventh day preceding the trial, all of which shall be deemed denied by operation of law.

1.405(4) *Denying signature.*

a. By party. If a pleading copies a writing purporting to be signed by an adverse party, such signature shall be deemed genuine for all purposes in the case, unless such party denies it and supports the denial by the party's affidavit that it is not a genuine or authorized signature. The party may, on application made during the time to plead, procure an inspection of the original writing.

b. By nonparty. If a pleading copies a nonnegotiable writing purporting to be signed by a nonparty to the action, such signature shall be deemed genuine, unless a party denies it, and supports the denial by affidavit, which denial may be for lack of information.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.406 Reply. The court may order a reply to an answer or to an answer to a cross-petition.

[Report 1943; amendment 1974; Report 1978, effective July 1, 1979; November 9, 2001, effective February 15, 2002]

Rule 1.407 Interventions.

1.407(1) *Intervention of right.* Upon timely application, anyone shall be permitted to intervene in an action under any of the following circumstances:

a. When a statute confers an unconditional right to intervene.

b. When the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

1.407(2) *Permissive intervention.* Upon timely application, anyone may be permitted to intervene in an action under any of the following circumstances:

a. When a statute confers a conditional right to intervene.

b. When an applicant's claim or defense and the main action have a question of law or fact in common.

c. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action.

In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

1.407(3) *Procedure.* A person desiring to intervene shall serve a motion to intervene upon the parties. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.

1.407(4) *Disposition.* The court shall grant interventions of right unless the applicant's interest is adequately represented by existing parties. The court shall consider applications for permissive intervention and grant or deny the application as the circumstances require. The intervenor shall have no right to delay, and shall pay the costs of the intervention unless the intervenor prevails.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: The amendments to former Iowa R. Civ. P. 75, now rule 1.407, adopted provisions substantially similar to Fed. R. Civ. P. 24 and allow the trial court more discretion in determining whether to allow intervention.

Rules 1.408 to **1.410** Reserved.

B. PLEADINGS; FORMAT AND CONTENT

Rule 1.411 Caption and signature.

1.411(1) *Required information.* Each appearance, notice, motion, or pleading shall be captioned with the title of the case, naming the court, parties, and instrument, and shall bear the signature, personal identification number, address, telephone number, and, if available, facsimile transmission number and e-mail address of the party or attorney filing it. The caption of the first papers filed or served by or on behalf of any named party shall include the personal identification number of each named party if available or as soon as is available. The caption of a petition shall state whether the action is at law or equity. In all subsequent papers filed or served, the caption need name only the first of several coparties.

1.411(2) *Personal identification numbers.* In lieu of including social security numbers on pleadings, parties shall complete a confidential information form available from the clerk of court. The clerk shall separately file the confidential information forms, and the social security numbers contained therein shall be confidential and cannot be disclosed except as authorized by federal or state law.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; May 14, 2007, effective July 15, 2007]

Rule 1.412 Paragraphs; separate statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

[Report 1943; amendment 1976; November 9, 2001, effective February 15, 2002]

Rule 1.413 Verification abolished; affidavits; certification.

1.413(1) Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require. Counsel's signature to every motion, pleading, or other paper shall be deemed a certificate that: counsel has read the motion, pleading, or other paper; that to the best of counsel's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a motion, pleading, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee. The signature of a party shall impose a similar obligation on such party. This rule does not apply to disclosures, discovery requests, responses, objections, and motions under rules 1.500 through 1.517, which are governed by rule 1.503(6).

1.413(2) If a party commencing an action has in the preceding five-year period unsuccessfully prosecuted three or more actions, the court may, if it deems the actions to have been frivolous, stay the proceedings until that party furnishes an undertaking secured by cash or approved sureties to pay all costs resulting to opposing parties to the action including a reasonable attorney fee.

1.413(3) Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, shall contain or be accompanied by an affidavit of the person or persons knowing the facts requisite to such relief. A similar affidavit shall be appended to all petitions which special statutes require to be verified.

1.413(4) Any pleading, motion, affidavit, or other document required to be verified under Iowa law may, alternatively, be certified pursuant to Iowa Code section 622.1, using substantially the following form:

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

_____ _____
Date Signature"

[Report 1943; amendment 1945; Report January 21, 1986, effective April 1, 1986; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.414 Supplemental pleadings. By leave of court, upon reasonable notice and upon such terms as are just, or by written consent of the adverse party, a party may serve and file a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Leave may be granted even though the original pleading is defective in its statement of a claim for relief or defense. No responsive pleading to the supplemental pleading is required unless the court, upon its own motion or the motion of a party, so orders, specifying the time therefor.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.415 Judicial notice; statutes. Matters of which judicial notice is taken, including statutes of Iowa, need not be stated in any pleading. A pleading asserting any statute of another state, territory or jurisdiction of the United States, or a right derived therefrom, shall refer to such statute by plain designation and if such reference is made the court shall judicially notice such statute.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.416 Negligence; mitigation. In an action by an employee against an employer, or by a passenger against a common carrier to recover for negligence, plaintiff need not plead or prove freedom from contributory negligence, but defendant may plead and prove contributory negligence in mitigation of damages.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.417 Permissible conclusions; denials. The following may be pleaded as legal conclusions without averring the facts comprising them: partnership, corporate or representative capacity; corporate authority to sue or do business in Iowa; performance of conditions precedent; or judgments of a court, board or officer of special jurisdiction. It shall not be sufficient to deny such averment in terms contradicting it, but the facts relied on must be stated.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.418 Contract. Every pleading referring to a contract must state whether it is written or oral.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.419 Defenses to be specially pleaded. Any defense that a contract or writing sued on is void or voidable, or was delivered in escrow, or which alleges any matter in justification, excuse, release or discharge, or which admits the facts of the adverse pleading but seeks to avoid their legal effect, must be specially pleaded.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.420 Account; bill of particulars; denial. A pleading founded on an account shall contain a bill of particulars thereof, by consecutively numbered items, which shall define and limit the proof, and may be amended as other pleadings. A pleading controverting such account must specify the items denied, and any items not thus specified shall be deemed admitted.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.421 Defenses; how raised; consolidation; waiver.

1.421(1) Every defense to a claim for relief in any pleading must be asserted in the pleading responsive thereto, or in an amendment to the answer made within 20 days after service of the answer, or if no responsive pleading is required, then at trial. The following defenses or matters may be raised by pre-answer motion:

a. Lack of jurisdiction of the subject matter.
b. Lack of jurisdiction over the person.
c. Insufficiency of the original notice or its service.
d. To recast or strike.

e. For more specific statement.

f. Failure to state a claim upon which any relief may be granted.

1.421(2) Improper venue under rule 1.808 must be raised by pre-answer motion filed prior to or in a single motion under rule 1.421(3).

1.421(3) If the grounds therefor exist at the time a pre-answer motion is made, motions under rule 1.421(1)(*b*) through 1.421(1)(*f*) shall be contained in a single motion and only one such motion assailing the same pleading shall be permitted, unless the pleading is amended thereafter.

1.421(4) If a pre-answer motion does not contain any matter specified in rule 1.421(1) or 1.421(2) that matter shall be deemed waived, except lack of jurisdiction of the subject matter or failure to state a claim upon which relief may be granted.

1.421(5) Sufficiency of any defense may be raised by a motion to strike it, filed before pleading to it.

1.421(6) Motions under this rule must specify how the pleading they attack is claimed to be insufficient.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; September 16, 2004, effective December 1, 2004]

Rule 1.422 Protected information. It is the responsibility of counsel and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made.

1.422(1) *Omission or redaction required.* In all civil proceedings and special actions a party shall omit or redact protected information from documents and exhibits filed with the court unless the information is material to the proceedings or disclosure is otherwise required by law.

a. "Protected information" includes the following:

(1) Social security numbers.

(2) Financial account numbers.

(3) Personal identification numbers.

(4) Other unique identifiers.

b. If a social security number must be included in a document only the last four digits of that number should be used. If financial account numbers must be included only incomplete numbers should be recited in the document.

c. Parties are not required to omit or redact protected information from materials or cases deemed confidential by any statute or rule of the supreme court; however, omission or redaction is required for materials that are initially confidential but which later become public, such as records in dissolution proceedings.

1.422(2) *Omission or redaction allowed.* A party may omit or redact any of the following information from documents and exhibits filed with the court unless the information is material to the proceedings or disclosure is otherwise required by law:

a. Other personal identifying numbers, such as driver's license numbers.

b. Information concerning medical treatment or diagnosis.

c. Employment history.

d. Personal financial information.

e. Proprietary or trade secret information.

f. Information concerning a person's cooperation with the government.

g. Information concerning crime victims.

h. Sensitive security information.

i. Home addresses.

j. Dates of birth.

k. Names of minor children.

[Report May 31, 2006, effective September 1, 2006; August 28, 2006, effective November 1, 2006]

Rule 1.423 Limited representation pleadings and papers.

1.423(1) *Disclosure of limited representation.* Every pleading or paper filed by a pro se party that was prepared with the drafting assistance of an attorney who contracted with the client to limit the scope of representation pursuant to Iowa R. Prof'l Conduct 32:1.2(c) shall state that fact before the signature line at the end of the pleading or paper that was prepared with the attorney's assistance. The attorney shall advise the client that such pleading or other paper must contain this statement.

The pleading or paper shall also include the attorney's name, personal identification number, address, telephone number and, if available, facsimile transmission number, but shall not be signed by the attorney. If the drafting assistance was provided as part of services offered by a nonprofit legal services organization or a volunteer component of a nonprofit or court-annexed legal services program, the name, address, telephone number and, if available, facsimile transmission number of the program may be included in lieu of the business address, telephone number, and facsimile transmission number of the drafting attorney.

1.423(2) *Drafting attorney's duty.* In providing drafting assistance to the pro se party, the attorney shall determine, to the best of the attorney's knowledge, information, and belief, that the pleading or paper is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not filed for any improper purpose, such as to harass or to cause an unnecessary delay or needless increase in the cost of litigation. The attorney providing drafting assistance may rely on the pro se party's representation of facts, unless the attorney has reason to believe that such representation is false or materially insufficient, in which instance the attorney shall make an independent, reasonable inquiry into the facts.

1.423(3) *Not an appearance by attorney.* The identification of an attorney who has provided drafting assistance in the preparation of a pleading or paper shall not constitute an entry of appearance by the attorney for purposes of rule 1.404(1) and does not authorize service on the attorney or entitle the attorney to service as provided in rule 1.442.

[Report March 12, 2007, effective May 15, 2007]

Rules 1.424 to **1.430** Reserved.

C. MOTIONS

Rule 1.431 Motion practice; generally.

1.431(1) A motion is an application made by any party or interested person for an order related to the action. It is not a "pleading" but is subject to the certification requirements of rule 1.413(1).

1.431(2) Each motion filed shall be captioned and signed in accordance with rule 1.411 and shall set out the specific points upon which it is based.

1.431(3) A concise memorandum brief citing supporting authorities may be served in accordance with rule 1.442(4).

1.431(4) Unless otherwise ordered by the court or provided by rule or statute, each party opposing the motion shall file within ten days after a copy of the motion has been served a written resistance to the motion. A concise brief citing supporting authorities may be served in accordance with rule 1.442(4).

1.431(5) Within seven days after service of the resistance or before any hearing on the motion, whichever is earlier, the movant may file a reply and serve a concise reply brief in accordance with rule 1.442(4) to assert newly decided authority or to respond to new and unanticipated matters. The reply brief should not reargue points made in the opening brief.

1.431(6) Evidence to sustain or resist a motion may be made by affidavit or in any other form to which the parties agree or the court directs. The court may require any affiant to appear for cross-examination.

1.431(7) The trial court shall rule on all motions within 30 days after their submission, unless it extends the time for reasons stated of record.

1.431(8) The clerk of each court shall maintain a motion calendar on which every motion filed shall be entered. It shall be arranged to show the following:

a. Docket, page and cause number of action in which filed.
b. Abbreviated title of the case with surname of the first-named party on each side.
c. Counsel of record for parties.
d. Denomination of the motion.
e. Date filed.
f. Party by whom filed.
g. Date entered on calendar.
h. Date of disposition by ruling, order or otherwise.

Separate motion calendars for law, equity or other divisions may be maintained.

1.431(9) The court may deem a motion under these rules submitted without hearing or may schedule a hearing, either in person or by telephone conference call, on the motion. The court shall,

upon agreement of the parties, direct that the hearing be held by telephone conference call unless a party notifies the court that oral testimony will be offered. If the hearing is held by telephone conference call, the call shall be arranged and paid for by the party making the motion, unless the parties agree otherwise.

1.431(10) Hearings on temporary orders pursuant to Iowa Code sections 598.10 and 600B.40A, whether testimony is taken or not, shall occur in the presence of the parties who have appeared for the hearing. If the court conducts the hearing by telephone or video conference, the parties are entitled to be present for the hearing by the same means the court uses to conduct the hearing.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; January 7, 2010, effective March 8, 2010; March 9, 2010, effective May 10, 2010; Court Order February 14, 2017, temporarily effective February 14, 2017, permanently effective April 17, 2017]

COMMENT: Rule 1.431 is a consolidation of former Iowa Rs. Civ. P. 109, 116, 117(c), 117(e), 117(f), and portions of 117(a), all of which pertained to motions, filing of motions, evidence to sustain or resist them, placing them on the motion calendar, and the time within which they should be ruled upon.

Rule 1.432 Failure to move; effect of overruling motion. No pleading shall be held sufficient for failure to move to strike or dismiss it. If such motion is filed and overruled, error in such ruling is not waived by pleading over or proceeding further; and the moving party may always question the sufficiency of the pleading during subsequent proceedings.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.433 Motion for more specific statement. A party may move for a more specific statement of any matter not pleaded with sufficient definiteness to enable the party to plead to it and for no other purpose. It shall point out the insufficiency claimed and particulars desired.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.434 Motion to strike. Improper or unnecessary matter in a pleading may be stricken out on motion of the adverse party.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.435 Motion days; submission of pretrial motions.

1.435(1) The chief judge of each judicial district shall provide by order for motion days to be held each month in each county, when all pretrial motions on file 14 days or more shall be deemed submitted unless a hearing has been set or another time for submission is fixed by rule, statute, or order of court entered for good cause shown. A party who has been served with original notice or has appeared shall take notice of the regular motion day on which motions will be heard.

1.435(2) The court may hear and rule on any motion prior to motion day so as not to delay completing the issues or trial of the case.

1.435(3) The court may require counsel to be apprised, in any manner it directs, of the time and place at which it will hear or act on any motion, application or other matter other than at the regular motion day. This subrule shall be applied to expedite, but not delay, hearings and submissions.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.436 to **1.440** Reserved.

D. TIME, FILING, AND NOTICE REQUIREMENTS

Rule 1.441 Time to move or plead.

1.441(1) *Motions.* Motions attacking a pleading must be served before responding to the pleading or, if no responsive pleading is required by these rules, within 20 days after the service of the pleading on such party.

1.441(2) *Pleading.* Answer to a petition must be served on or before the date prescribed in accordance with rule 1.303. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within 20 days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs.

1.441(3) *Time after filing motions.* The service of a motion permitted under the rules in this chapter alters these periods of time as follows, unless a different time is fixed by order of the court.

If the motion is so disposed of as to require further pleading, such pleading shall be served within ten days after notice of the court's action.

1.441(4) *Response to amendments.* A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever is longer, unless the court otherwise orders.

1.441(5) *Shortening time.* The court may order any motion or pleading to be filed within a shorter time than specified above.

1.441(6) *Extending time.* For good cause, but not ex parte, the court may extend the time to answer or reply for not more than 30 days beyond the times above specified. For good cause but not ex parte, and upon such terms as the court prescribes, the court may grant a party the right to file an answer or reply where the time to file same has expired.

1.441(7) *Notice of removal to federal court.* The filing of a notice of removal to the federal court shall suspend the jurisdiction of the state court until an order of the federal court, remanding the cause, or determining that the removal has not been perfected, is filed in the state court. Thereupon, the times fixed for motions or pleadings shall begin anew.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.442 Service and filing of pleadings and other papers.

1.442(1) *When service is required.* Unless the court otherwise orders, everything required to be filed by the rules in this chapter; every order required by its terms to be served; every pleading subsequent to the original petition; every paper relating to discovery; every written motion including one which may be heard ex parte; and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. No service need be made on any party against whom a default has been entered except that pleadings asserting new or additional claims for relief against the party shall be served upon the party in the manner provided for service of original notice in rule 1.305. In an action begun by seizure of property, in which no person need be or is named as defendant, any service required to be made prior to the filing of an answer, claim, or appearance shall be made upon the person having custody or possession of the property at the time of its seizure.

1.442(2) *How service is made.* Service upon a party represented by an attorney shall be made upon the attorney unless service upon the party is ordered by the court. Service on an attorney who has made a limited appearance for a party shall constitute valid service on the represented party only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared. Service shall be made by delivering, mailing, or transmitting by fax (facsimile) a copy to the attorney or to the party at the attorney's or party's last known address or, if no address is known, by leaving it with the clerk of court. Delivery within this rule means: handing it to the attorney or to the party; leaving it at the attorney's or party's office; or, if the office is closed or the person to be served has no office, leaving it at the attorney's or party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein. Service by mail is complete upon mailing.

Service may also be made upon a party or attorney by electronic mail (e-mail) if the person consents in writing in that case to be served in that manner. The written consent shall specify the e-mail address for such service. The written consent may be withdrawn by written notice served on all other parties or attorneys. Service by electronic means is complete upon transmission, unless the party making service learns that the attempted service did not reach the person to be served.

1.442(3) *Same: numerous defendants.* In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any cross-claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.

1.442(4) *Filing.* Except as provided in rule 1.502, all papers after the petition required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter; however, no party shall file legal briefs or memoranda, except in support of or resistance to a motion for summary judgment, unless expressly ordered by the court. Such briefs and memoranda shall be served upon the parties with an original copy delivered to the presiding judge. The party submitting the legal brief or memoranda shall file a statement certifying compliance with this rule. Whenever these rules or the rules of appellate procedure require a filing with the district 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.

1.442(5) *Filing with the court defined.* The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that a judicial officer may permit them to be filed with the judicial officer, who shall note thereon the filing date and time and forthwith transmit them to the office of the clerk.

1.442(6) *Notice of orders or judgments.* Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in this rule upon each party except a party against whom a default has been entered and shall make a note in the docket of the mailing. In the event a case involves an appeal or review relating to an administrative agency, officer, commissioner, board, administrator, or judge, the clerk shall mail without cost to the applicable administrative agency, officer, commissioner, board, administrator, or judge a copy of any remand order, final judgment or decision in the case and a copy of any procedendo from the supreme court.

Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by the rules in this chapter; but any party may in addition serve a notice of such entry in the manner provided in this rule for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the district court to relieve a party for failure to appeal within the time allowed.

1.442(7) *Certificate of service.* All papers required or permitted to be served or filed shall include a certificate of service. Action shall not be taken on any paper until a certificate of service is filed in the clerk's office. The certificate shall identify the document served and include the date, manner of service, names and addresses of the persons served. The certificate shall be signed by the person making service. Unless ordered by the court, no other proof of service shall be filed.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003; March 12, 2007, effective May 15, 2007; November 12, 2009, effective January 11, 2010]

COMMENT: Rule 1.442(2) authorizes service by facsimile transmission and deletes archaic and unnecessary language regarding service by delivery to a clerk or person in charge of an office which is not closed. Rule 1.442(7) clarifies that all documents served or filed shall include a certificate of service, that proofs of service shall not be filed regarding documents that are not to be filed, and it sets forth the requirements of a certificate of service and prohibits the filing of other proofs of service unless ordered by the Court.

Rule 1.443 Enlargement; additional time after service.

1.443(1) *Enlargement.* When by the rules in this chapter or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion do the following:

a. With or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.

b. Upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under rules 1.1001, 1.1003, and 1.1004, except to the extent and under the conditions stated in rule 1.1007.

1.443(2) *Additional time after service by mail, e-mail, or facsimile transmission.* When by the rules in this chapter a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, e-mail, or facsimile transmission, three days shall be added to the prescribed period. Such additional time shall not be applicable where a court has prescribed the method of service of notice and the number of days to be given or where the deadline runs from entry or filing of a judgment, order or decree.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 22, 2002, effective February 1, 2003]

Rule 1.444 Pleading over; election to stand. If a party is required or permitted to plead further by an order or ruling, the clerk shall forthwith mail or deliver notice of such order or ruling to the attorneys of record. Unless otherwise provided by order or ruling, such party shall file such further pleading within ten days after such mailing or delivery; and if such party fails to do so within such time, the party thereby elects to stand on the record theretofore made. On such election, the ruling shall be deemed a final adjudication in the trial court without further judgment or order; reserving only such issues, if any, which remain undisposed of by such ruling and election.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.445 to **1.450** Reserved.

E. COURT ACTION

Rule 1.451 Specific rulings required. A motion, or other matter involving separate grounds or parts, shall be disposed of by separate ruling on each and not sustained generally.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.452 Order defined. Every direction of the court, made in writing and not included in the judgment or decree, is an order.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.453 When and how entered. A judge may enter judgments, orders or decrees at any time after the matter has been submitted, effective when filed with the clerk, or as provided by rule 1.442(5). The clerk shall promptly mail or deliver notice of such entry, or copy thereof, to each party appearing, or to one of the party's attorneys. The clerk is authorized to deliver any judgments, orders, decrees or notices to the e-mail address provided by the attorney or party.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; June 29, 2009, effective August 28, 2009]

Rule 1.454 Reserved.

Rule 1.455 Preliminary determination. On application of any party, the motion for judgment on the pleadings under rule 1.954, and the defenses of (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a claim upon which relief can be granted, and (7) failure to join a party under rule 1.234, whether made in a pleading or by motion, shall be determined before trial, unless the court orders that determination thereof be deferred until the trial.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.456 Cross-petition, cross-claim, counterclaim; judgment. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition, cross-claim or counterclaim, it shall not be delayed thereby.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.457 Amending to conform to the evidence. When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice that party in maintaining the action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.458 Special action; proper remedy awarded. In any case of mandamus, certiorari, appeal to the district court, or for specific equitable relief, where the facts pleaded and proved do not entitle the petitioner to the specific remedy asked, but do show the petitioner entitled to another remedy, the court shall permit the petitioner on such terms, if any, as it may prescribe, to amend by asking for such latter remedy, which may be awarded.
[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.459 to **1.499** Reserved.

DIVISION V
DISCOVERY AND INSPECTION

Rule 1.500 Duty to disclose; required disclosures.

1.500(1) *Initial disclosures.*

a. In general. Except as exempted by rule 1.500(1)(*e*) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

(1) The name and, if known, the address, telephone numbers, and electronic mail address of each individual likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

(2) All documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Unless good cause exists for not doing so, copies of the documents or electronically stored information listed must be served with the disclosure.

2. If copies of any document or electronically stored information are not produced, the disclosing party must state the good cause for not producing the items and provide a description by category, location, and the name and address of the custodian of the document or electronically stored information.

3. A party who provides documents in disclosure must produce them as they are kept in the usual course of business.

(3) A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under rule 1.512 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; provided, however, that this rule 1.500(1)(*a*)(3) does not require disclosure of the exact dollar amounts claimed for noneconomic damages.

(4) For inspection and copying as under rule 1.512, and notwithstanding rule 1.503(2), the declarations page of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment that may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment, and, in any action in which coverage is or may be contested, a copy of the agreement and all letters from the insurer to the insured regarding coverage.

b. Claims for personal or emotional injury. Except as exempted by rule 1.500(1)(*e*) or as otherwise stipulated or ordered by the court, and in addition to the initial disclosures required by rule 1.500(1)(*a*), any party asserting a claim for damages for personal or emotional injuries must, without awaiting a discovery request, provide to the other parties:

(1) The claimant's full name and date of birth.

(2) The claimant's Medicare health insurance claim number (HICN).

(3) The names and addresses of all doctors, hospitals, clinics, pharmacies, and other health care providers claimant consulted within five years prior to the date of injury up to the present date.

(4) Legally sufficient written waivers allowing the opposing party to obtain those records subject to appropriate protective provisions authorized by rule 1.504. The opposing party must give contemporaneous notice to the claimant when the opposing party uses the waivers to obtain records and must provide a copy of all records obtained by waiver to the claimant and all other parties. Any party who requests that the opposing party produce these records in nonelectronic form must bear the opposing party's costs of producing them in that form.

c. Claims for lost time or earning capacity. Except as exempted by rule 1.500(1)(*e*) or as otherwise stipulated or ordered by the court, and in addition to the initial disclosures required by rule 1.500(1)(*a*), any party asserting a claim for damages for lost time or lost earning capacity must, without awaiting a discovery request, provide to the other parties:

(1) The claimant's federal and state income tax returns for the five years prior to the date of disclosure.

(2) The names and addresses of all persons by whom the claimant has been employed for the five years prior to the date of disclosure.

(3) Legally sufficient written waivers allowing the opposing party to obtain the claimant's personnel files and payment histories from each employer subject to appropriate protective provisions authorized by rule 1.504.

1. The opposing party must give contemporaneous notice to the claimant when the opposing party uses the waiver to obtain records and must provide a copy of all records obtained by waiver to the claimant and all other parties.

2. Any party who requests that the opposing party produce these records in nonelectronic form must bear the opposing party's costs of producing them in that form.

d. Domestic relations proceedings.

(1) Except as otherwise stipulated or ordered by the court and in lieu of the initial disclosures required by rule 1.500(1)(*a*), in domestic relations actions involving any contested claim, including divorce, custody, modification, and paternity actions, each party must, without awaiting a discovery request, provide to the other party copies of the following:

1. Paystubs or other documentation showing the party's income from all sources, deductions for federal and state taxes, health insurance premiums, union dues, and mandatory pension withholdings for the past six months. If children are involved, the party providing health insurance must provide a breakdown of the cost of an individual health insurance plan and the cost of a family plan.

2. The party's federal and state income tax returns, including all schedules and W-2's, for the three most recent years if not in the possession of the other person.

3. A current financial affidavit, including a description of all assets and liabilities.

4. Statements of account or other documentation to support the assets or liabilities listed in the financial affidavit.

(2) If the action is a modification case or an unmarried custody case, the parties must provide only the information contained in rules 1.500(1)(*d*)(1)(1) and 1.500(1)(*d*)(1)(2).

e. Proceedings exempt from initial disclosure. Unless otherwise ordered by the court or agreed to by the parties, the requirements of rules 1.500(1)(*a*) through (*d*) do not apply to the following:

(1) Actions for certiorari or for judicial review of administrative agency actions under Iowa Code chapter 17A.

(2) Actions for forcible entry and detainer.

(3) Domestic relations proceedings in which there are no contested claims.

(4) Adoption proceedings, name change proceedings, actions under Iowa Code chapter 236, and actions initiated by Child Support Services.

(5) Foreclosure proceedings in which there are no contested claims.

(6) Actions for postconviction relief or any other proceeding to challenge a criminal conviction or sentence.

(7) Probate proceedings in which there are no contested claims.

(8) Juvenile proceedings.

(9) Mental health proceedings.

(10) Actions under Iowa Code chapters 225, 229, and 229A.

(11) Actions to enforce an arbitration award or an out-of-state judgment.

(12) Small claims proceedings under Iowa Code chapter 631.

f. Time for initial disclosures in general. Except in domestic relations proceedings, a party must make the initial disclosures at or within 14 days after the parties' rule 1.507 discovery conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in the action and states the objection in the proposed discovery plan. In ruling on the objection, the court must determine what disclosures, if any, are to be made and must set the time for disclosure. In domestic relations proceedings, a party must make the initial disclosures within 60 days of filing of the petition unless a different time is set by stipulation or court order or unless the court, upon motion, relieves the parties from the obligation to provide initial disclosures.

g. Time for initial disclosures for parties served or joined later. A party who is first served or otherwise joined after the rule 1.507 discovery conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order.

h. Basis for initial disclosure; unacceptable excuses. A party must make the initial disclosures based on the information then reasonably available to the party. A party is not excused from making the disclosures because the party has not fully investigated the case, because the party challenges the

sufficiency of another party's disclosures, because another party has not made that party's disclosures, or because the information is in the possession, custody, or control of the party's insurance carrier.

COMMENT:

Rule 1.500. The entirety of rule 1.500 is added. With some modifications, the rule adopts the required disclosures currently used by the federal courts and by a number of states that have also recently engaged in civil justice reform. Like its federal counterpart, the rule seeks to accelerate the exchange of basic information and eliminate the delay and expense of serving formal discovery requests seeking routine information that will be produced as a matter of course in most cases.

The information disclosed under rule 1.500(1) is subject to a continuing duty to supplement. *See* rule 1.500(5).

[Court Order August 28, 2014, effective January 1, 2015]

1.500(2) *Disclosure of expert testimony.*

a. In general. In addition to the disclosures required by rule 1.500(1), a party must disclose to the other parties the identity of any witness the party may use at trial to present evidence under Iowa Rules of Evidence 5.702, 5.703, and 5.705.

b. Witnesses who must provide a written report. Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. The report must contain the following:

(1) A complete statement of all opinions the witness will express and the basis and reasons for them.

(2) The facts or data considered by the witness in forming the opinions.

(3) Any exhibits that will be used to summarize or support the opinions.

(4) The witness's qualifications, including a list of all publications authored in the previous ten years.

(5) A list of all other cases in which, during the previous four years, the witness testified as an expert at trial or by deposition.

(6) A statement of the compensation to be paid for the study and testimony in the case.

c. Witnesses who do not provide a written report. Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report, this disclosure must state:

(1) The subject matter on which the witness is expected to present evidence under Iowa Rules of Evidence 5.702, 5.703, or 5.705.

(2) A summary of the facts and opinions to which the witness is expected to testify.

d. Time to disclose expert testimony. A party must make these disclosures at the times and in the sequence set forth in the court's trial scheduling order. If not otherwise ordered, expert disclosures shall be due:

(1) No later than 90 days before the date set for trial; or

(2) Within 30 days after the other party's disclosures if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under rule 1.500(2)(*b*) or (*c*).

e. Supplementing disclosures. The parties must supplement these disclosures when required under rule 1.508(3).

COMMENT:

Rule 1.500(2)(*d*). The rule contemplates that in many, if not most, cases, scheduling of disclosure of expert testimony will be governed by a trial scheduling order. *See* Iowa R. Civ. P. 1.907; Iowa Ct. R. 23.5—Form 2: Trial Scheduling and Discovery Plan.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

1.500(3) *Pretrial disclosures.*

a. In general. In addition to the disclosures required by rules 1.500(1) and 1.500(2), a party must provide to the other parties and promptly file the following information about the evidence the party may present at trial other than evidence to be used solely for impeachment:

(1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying the witnesses the party expects to present and those the party may call if the need arises.

(2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

(3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises.

b. Time for pretrial disclosures; objections. Pretrial disclosures must be made at least 14 days before trial. This deadline may be modified by order of the court or stipulation of the parties, provided, however, that the parties may not stipulate to a pretrial disclosure deadline of less than 7 days before trial. A party may serve and promptly file a list of the following objections: any objections to the

use under rule 1.704 of a deposition designated by another party under rule 1.500(3)(*a*)(2), and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under rule 1.500(3)(*a*)(3). Objections must be served and filed within 7 days of the pretrial disclosures, or within 4 days if the pretrial disclosure deadline is less than 10 days before trial, unless the court directs otherwise. An objection not so made, except for one under Iowa Rule of Evidence 5.402 or 5.403, is waived unless excused by the court for good cause.

c. Duty to supplement unaffected. Rule 1.500(3) does not affect the obligation of a party to timely supplement disclosures and discovery responses as required by rule 1.503(4)(*a*)(2).

COMMENT:

Rules 1.500(3)(*a*) and 1.500(3)(*b*). Rules 1.500(3)(*a*) and (*b*) mirror Federal Rule of Civil Procedure 26(*a*)(3). The duty to disclose final trial witnesses, deposition testimony, and exhibits is governed by the Time Standards for Case Processing in rule 23.5 of the Iowa Court Rules. Rule 23.5 is mandatory and applies to all civil actions. This rule incorporates into the Iowa Rules of Civil Procedure the duty to make pretrial disclosures. Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, implements these and other scheduling deadlines.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

Rule 1.500(3)(*b*). The federal rules require that pretrial disclosures occur at least 30 days before trial and that objections occur within 14 days thereafter. Former rule 23.5—Form 2 of the Iowa Court Rules imposed a later deadline, requiring disclosure of all witness and exhibit lists at least 7 days before trial, with objections due within 5 days thereafter (2 days before trial). Requiring pretrial disclosures 30 days before trial could result in unnecessary time and effort. The former 7-day deadline, however, may have been in some circumstances too close to trial. Rule 1.500(3)(*b*) requires parties to make pretrial disclosures two weeks in advance of trial, unless they stipulate to a different deadline, which cannot be less than one week before trial. The rule also gives opposing parties one week thereafter to respond, unless the disclosure deadline was less than 10 days before trial. Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan reflects these changes.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

1.500(4) *Form of disclosures.* Unless the court orders otherwise, all disclosures under rule 1.500 must be in writing, signed, and served.

1.500(5) *Supplementing the disclosures.* The parties must supplement these disclosures when required under rules 1.503(4) and 1.508(3).

1.500(6) *Effective date.* Rule 1.500 applies only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rule as part of a pretrial order.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015; June 30, 2023, temporarily effective July 1, 2023, permanently effective August 30, 2023]

Rule 1.501 Discovery methods.

1.501(1) In addition to the disclosures required by rule 1.500, and subject to the timing provisions of rule 1.505, parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

1.501(2) The rules providing for discovery and inspection should be liberally construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding and to provide the parties with access to all relevant facts.

1.501(3) Discovery must be conducted in good faith, and responses to discovery requests, however made, must fairly address and meet the substance of the request. Any discovery motion presented to the court must include a certification that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer.

COMMENT:

Rule 1.501(3). The rule makes the certification of conference requirement apply to all discovery motions. A similar provision is contained in rule 1.504(3) governing motions for protective order and in rule 1.517(5) governing sanctions and motions to compel. Telephonic conferences satisfy the conference requirement of these rules.

[Court Order August 28, 2014, effective January 1, 2015]

1.501(4) A rule requiring a matter to be under oath may be satisfied by an unsworn written statement in substantially the following form: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

_____ _____
Date Signature"

[Report 1943; amendment 1957; amendment 1967; amendment 1973; February 13, 1986, effective July 1, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.502 Discovery materials not filed. Unless otherwise ordered by the court, no deposition, notice of deposition, interrogatory, request for production of documents, request for admission, or response, document or thing produced, or objection thereto shall be filed with the clerk. Any motion under rule 1.517 attacking the sufficiency of a response to a discovery request must have a copy of the request and response attached or the motion may be denied. This rule does not apply to depositions to perpetuate testimony under rules 1.721 through 1.728.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.503 Scope of discovery. Unless otherwise limited by order of the court in accordance with the rules in this chapter, the scope of discovery shall be as provided in this division.

1.503(1) *In general.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, the identity and location of persons having knowledge of any discoverable matter, and the identity of witnesses the party expects to call to testify at the trial. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

a. Unless otherwise provided in a request for discovery, a request for the production of a "document" or "documents" shall encompass electronically stored information. Any reference in the rules in this division to a "document" or "documents" shall encompass electronically stored information.

b. All discovery is subject to the limitations of rule 1.503(8).

1.503(2) *Insurance agreements.* In addition to the initial disclosures required by rule 1.500(1)(*a*)(4), a party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this rule, an application for insurance shall not be treated as part of an insurance agreement.

COMMENT:

Rule 1.503(2). Notwithstanding the initial disclosure obligation in rule 1.500(1)(*a*)(4), rule 1.503(2) clarifies that additional discovery regarding insurance is still allowed, but the fruits of that discovery will not necessarily be admissible.

[Court Order August 28, 2014, effective January 1, 2015]

1.503(3) *Trial-preparation materials.* Subject to the provisions of rule 1.508, a party may obtain discovery of documents and tangible things otherwise discoverable under rule 1.503(1) and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and that the party seeking discovery is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of rule 1.517(1)(*d*) apply to the award of expenses incurred in relation to the motion. For purposes of this rule, a statement previously made is any of the following:

a. A written statement signed or otherwise adopted or approved by the person making it.

b. A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

1.503(4) *Supplementing disclosures and responses.* A party who has made a disclosure under rule 1.500, or who has responded to a request for discovery, must timely supplement or correct the party's disclosure or response as follows:

a. A party must timely supplement or correct any disclosure or response that concerns any of the following:

(1) The identity and location of persons having knowledge of discoverable matters.

(2) The identity of each person expected to be called as a witness at trial.

(3) Any matter that bears materially upon a claim or defense asserted by any party to the action.

b. A party is under a duty seasonably to supplement or correct its disclosure or a prior response if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

c. As provided in rule 1.508(3), a party must supplement discovery as to experts and the substance of their testimony.

d. An additional duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through new requests to supplement prior responses.

COMMENT:

Rule 1.503(4)(*b*). The amendment eliminates the "knowing concealment" requirement that had triggered the duty to supplement incorrect discovery responses. Rule 1.503(4)(*b*) now tracks the federal rule by requiring supplementation of any response that the answering party learns is materially incomplete or incorrect unless that information has already otherwise been disclosed in discovery. *See* Fed. R. Civ. P. 26(e)(1)(A).

[Court Order August 28, 2014, effective January 1, 2015]

1.503(5) *Claims of privilege or protection of trial-preparation materials.*

a. Information withheld. When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial-preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

b. Information produced. If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received that information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The producing party must preserve the information until the claim is resolved.

1.503(6) *Signing disclosures and discovery requests, responses, and objections.*

a. Signature required; effect of signature. Every disclosure under rule 1.500 and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's own name—or by the party personally, if unrepresented—and must state the signer's name, law firm, or name of partnership, association, corporation, or tribe on behalf of which the filing agent is signing, and mailing address, telephone number, and electronic mail address. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry:

(1) The disclosure is complete and correct as of the time it is made.

(2) The discovery request, response, or objection is:

1. Consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

2. Not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

3. Neither unreasonable or unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.

b. Failure to sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection until it is signed, and the court must strike it unless a signature is promptly supplied after the omission is called to the attorney's or party's attention.

c. Sanction for improper certification. If a certification violates this rule without substantial justification, the court, on motion or on its own, shall impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney fees, caused by the violation.

COMMENT:

Rule 1.503(6). The rule is patterned on Federal Rule of Civil Procedure 26(g). Having a separate certification requirement tailored specifically to discovery more effectively deters discovery abuse. *See* rule 1.413(1) (providing that its certification obligation does not apply to discovery).

[Court Order August 28, 2014, effective January 1, 2015]

1.503(7) *Reliance on disclosures and discovery responses of other parties.* Any party may rely on any other party's disclosures or discovery responses to the extent permitted by otherwise applicable evidentiary rules and regardless of when that party is joined. Unless requested to do so by a current party, the responding party has no duty to supplement its responses to discovery requests after the propounding party has been dismissed from the case.

1.503(8) *Limitations on frequency and extent.* On motion or on its own, the court shall limit the frequency or extent of discovery otherwise allowed by these rules if it determines that:

a. The discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

b. The party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

c. The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

[Report 1943; amendment 1973; amended by 65GA, ch 315, §3; amendment 1980; Report February 13, 1986, effective July 1, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: Rule 1.503(4) states the duty to supplement in the affirmative and expands that duty to require supplementation as to material matters and as to experts.

Rule 1.504 Protective orders.

1.504(1) Upon motion by a party or by the person from whom discovery is sought or by any person who may be affected thereby, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the district where the deposition is to be taken:

a. May make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had.

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place, or the allocation of expenses.

(3) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery.

(4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters.

(5) That discovery be conducted with no one present except persons designated by the court.

(6) That a deposition after being sealed be opened only by order of the court.

(7) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

b. On motion or on its own, shall limit the frequency and extent of use of the methods described in rule 1.501(1) in accordance with the limitations of rule 1.503(8).

COMMENT:

Rule 1.504(1). Rather than repeating the proportionality limitations contained in the scope of discovery, rule 1.504(1) cross-references proportionality. Additionally, in recognition of the court's independent obligation to ensure the proportionality of discovery, rule 1.504(2) expressly authorizes the court to limit sua sponte the frequency and extent of discovery.

[Court Order August 28, 2014, effective January 1, 2015]

1.504(2) A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show

that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of rule 1.503(8). The court may specify conditions for the discovery.

1.504(3) A motion for protective order must include a certification that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of rule 1.517(1)(*d*) apply to the award of expenses incurred in relation to the motion.
[Report 1943; amendment 1965; amendment 1970; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 1.505 Timing and sequence of discovery.

1.505(1) *Timing.*

a. A party may not seek discovery from any source before the parties have conferred as required by rule 1.507, except in a proceeding exempt from initial disclosure under rule 1.500(1)(*e*), or when authorized by these rules, by stipulation, or by court order. In domestic relations proceedings, unless it has been stipulated or ordered that initial disclosures under rule 1.500(1)(*d*) need not be made, a party may not seek discovery from any source before the initial disclosures under rule 1.500(1)(*d*) have occurred.

b. The discovery moratorium of rule 1.505(1) applies only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rule as part of a pretrial order.

1.505(2) *Sequence.* Unless the court upon motion orders otherwise for the convenience of parties and witnesses and in the interests of justice, or the parties stipulate, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.
[Report 1943; amendment 1957; amendment 1973; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015; March 7, 2018, effective January 1, 2019]

Rule 1.506 Stipulations regarding discovery procedure. Unless the court orders otherwise, the parties may by written stipulation do the following:

1.506(1) Provide that depositions may be taken before any qualified person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

1.506(2) Modify the procedures provided by these rules for other methods of discovery.
[Report 1975; amended by 66GA, ch 259, §1; amendment 1976; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: As parties rarely enter into formal stipulations extending the times to answer interrogatories or respond to production requests, the requirement for formal stipulations is removed. Formal stipulations remain required for extensions of time for responding to requests for admissions. The final phrase of the rule clarifies the time within which a response is required in the event the court supersedes a stipulation. Consistent with rule 1.502, the requirement that discovery stipulations be filed, including those regarding responses to requests for admissions, is deleted.

Rule 1.507 Discovery conference of the parties.

1.507(1) *Conference timing.* Except in a proceeding exempt from initial disclosure under rule 1.500(1)(*e*), a domestic relations proceeding, or when the court orders otherwise, the parties must confer as soon as practicable, but no later than 21 days after any defendant has answered or appeared. In cases transferred to the district court from the small claims court, the parties must confer as soon as practicable, but no later than 21 days after the date the case is docketed in the district court. The plaintiff must notify all parties of the discovery conference deadline. Except as otherwise stipulated or ordered by the court, the filing of a pre-answer motion under rule 1.421 does not affect the obligation to participate in the discovery conference or to make disclosures required by rule 1.500(1).

1.507(2) *Conference content; parties' responsibilities.* In conferring, parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by rule 1.500(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the

conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within seven days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person. The discovery plan must be submitted in all events prior to the trial-setting conference.

1.507(3) *Discovery plan.* The discovery plan will be included in Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan, and except as otherwise ordered by the court, a discovery plan must state the parties' views and proposals on the following:

a. Changes that should be made in the timing, form, or requirement for disclosures under rule 1.501(1), including a statement of when initial disclosures were made or will be made.

b. Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

c. Issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which the information should be produced.

d. Issues about claims of privilege or of protection as trial preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include the parties' agreement in an order under Iowa Rule of Evidence 5.502.

e. Changes that should be made to the limitations on discovery imposed under these rules, and other limitations that should be imposed.

f. Any other orders that the court should issue under rule 1.504 or under rule 1.602.

1.507(4) *Pretrial conference.* Following the parties' discovery conference, any party may request the court to convene a pretrial conference under rule 1.602 to resolve any objection or disputed issue identified in the parties' discovery plan.

COMMENT:

Rule 1.507. The rule is substantially rewritten to provide that parties, including pro se litigants, have a duty to confer early in a case and cooperate in framing a discovery plan to submit to the court. The rule is patterned on the federal attorney conference rule, Federal Rule of Civil Procedure 26(f). Rule 1.507 envisions that the discovery conference will occur before the rule 1.906 trial-setting conference. The parties must submit the discovery plan within 7 days after the discovery conference, and initial disclosures are due within 14 days after the discovery conference.

[Court Order August 28 2014, October 30, 2014, effective January 1, 2015]

[Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015; March 7, 2018, effective January 1, 2019]

Rule 1.508 Discovery of experts.

1.508(1) *Expert who is expected to be called as a witness.* In addition to the disclosures and discovery provided pursuant to rules 1.500(2) and 1.516, discovery of facts known, mental impressions, and opinions held by an expert whom the other party expects to call as a witness at trial, otherwise discoverable under the provisions of rule 1.503(1) and acquired or developed in anticipation of litigation or for trial, may be obtained as follows:

a. Deposition of an expert who may testify. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If rule 1.500(2)(*b*) requires a report from the expert, the deposition may be conducted only after the report is provided.

b. Discovery by other means. Subject to rules 1.508(1)(*d*) and (*e*), a party may also obtain discovery of documents and tangible things including all tangible reports, physical models, compilations of data, and other material prepared by an expert or for an expert in anticipation of the expert's trial and deposition testimony. The disclosure of material prepared by an expert used for consultation is required even if it was prepared in anticipation of litigation or for trial when it forms a basis, either in whole or in part, of the opinions of an expert who is expected to be called as a witness.

c. Tangible form. Subject to rules 1.508(1)(*d*) and (*e*), if the discoverable factual observations, tests, supporting data, calculations, photographs, or opinions of an expert who will be called as a witness have not been recorded and reduced to tangible form, the court may order these matters be reduced to tangible form and produced within a reasonable time before the date of trial.

d. Trial preparation protection for draft reports or interrogatory answers. Rule 1.503(3) protects drafts of any report or disclosure required under rule 1.500(2), regardless of the form in which the draft is recorded.

e. Trial preparation protection for communications between a party's attorney and expert witnesses. Rule 1.503(3) protects communications between the party's attorney and any witness required to provide a report under rule 1.500(2)(*b*), regardless of the form of the communications, except to the extent that the communications:

(1) Relate to compensation for the expert's study or testimony.

(2) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed.

(3) Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

1.508(2) *Expert who is not expected to be called as a witness.* The disclosure of the same information concerning an expert used for consultation and who is not expected to be called as a witness at trial is required if the expert's work product forms a basis, either in whole or in part, of the opinions of an expert who is expected to be called as a witness. Otherwise, a party may discover the identity of and facts known, or mental impressions and opinions held, by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in rule 1.516 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

1.508(3) *Duty to supplement discovery as to experts.* For an expert whose report must be disclosed under rule 1.500(2)(*b*), the party's duty to supplement extends both to information included in the report and to information given during the expert's deposition. Any additions or changes to this information must be disclosed no later than 30 days before trial. Failure to disclose or supplement the identity of an expert witness or the information described in rule 1.500(2) is subject to sanctions under rule 1.517(3)(*a*).

1.508(4) *Expert testimony at trial.* The expert's direct testimony at trial may not be inconsistent with or go beyond the fair scope of the expert's disclosures, report, deposition testimony, or supplement thereto.

1.508(5) *Expert fees during discovery.* Unless manifest injustice would result, the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under rules 1.508(1) and 1.508(2). With respect to discovery obtained under rule 1.508(1), the court may require, and with respect to discovery obtained under rule 1.508(2), the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert. Any fee which the court requires to be paid shall not exceed the expert's customary hourly or daily fee; and, in connection with a party's deposition of another party's expert, shall include the time reasonably and necessarily spent in connection with such deposition, including time spent in travel to and from the deposition, but excluding time spent in preparation.

1.508(6) *Effective date.* Rules 1.508(1)(*a*), 1.508(*d*), 1.508(1)(*e*), and 1.508(3) apply only to actions commenced on or after January 1, 2015, provided that the court may in any case direct the parties to comply with all or part of the rules as part of a pretrial order.

[Report 1943; amendment 1957; amendment 1973; Report May 28, 1987, effective August 3, 1987; June 23, 1988, effective September 1, 1988; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.509 Interrogatories to parties.

1.509(1) *Availability; procedures for use.*

a. Except in small claims, any party may serve written interrogatories to be answered by another party or, if the other party is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party.

b. Each interrogatory, unless the court has ordered otherwise, must be provided in an electronic word processing format. An interrogatory that does not comply with this requirement shall be subject to objection.

c. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. A party may answer an interrogatory in whole or in part subject to an objection without waiving that objection. Any answer so provided is subject to the duty to supplement set forth in rule 1.503(4), but the party does not waive the objection by supplementing. Where an answer is provided subject to an objection, the answering party must specify the extent to which the requested information has not been provided.

d. A party answering interrogatories must set out each interrogatory immediately preceding the answer to it. A failure to comply with this rule shall be deemed a failure to answer and shall be subject to sanctions as provided in rule 1.517. Answers are to be signed by the person making them. Answers shall not be filed; however, they shall be served upon all adverse parties within 30 days after the interrogatories are served. Objections, if any, must be signed by the attorney who objects and must be served within 30 days after the interrogatories are served. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under rule 1.517(1) with respect to any objection to or other failure to answer an interrogatory.

e. Except as provided in rule 1.509(4), or unless otherwise stipulated or ordered by the court for good cause shown, a party must not serve on any other party more than 30 interrogatories, including all discrete subparts. Any discrete subpart to a nonpattern interrogatory will be considered a separate interrogatory. A motion for leave of court to serve more than 30 interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

COMMENT:

Rule 1.509(1)(*c*). The rule mirrors Federal Rule of Civil Procedure 33(b)(3) and (4) in requiring that objections to interrogatories be specific and providing that any ground not raised in a timely objection is waived. The rule further allows a party to respond to an interrogatory subject to an objection without waiving that objection. In such cases, however, the responding party must clearly indicate whether any responsive information is being withheld subject to the objection.

[Court Order August 28, 2014, effective January 1, 2015]

1.509(2) *Scope; use at trial.*

a. Interrogatories may relate to any matters which can be inquired into under rule 1.503, including a statement of the specific dollar amount of money damages claimed, the amounts claimed for separate items of damage, and the names and addresses of witnesses the party expects to call to testify at the trial. Interrogatory answers may be used to the extent permitted by the rules of evidence.

b. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

1.509(3) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records, including electronically stored information, of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the party serving the interrogatory to locate and identify as readily as can the party served, the records from which the answer may be ascertained.

1.509(4) *Pattern interrogatories.* The supreme court, by supervisory order or otherwise, may approve pattern interrogatories for different classes of cases. Any pattern interrogatory and its subparts are counted as one interrogatory.

COMMENT:

Rule 1.509(4). Parties are encouraged to use supreme court-approved pattern discovery when appropriate. A party may use one or more pattern interrogatories that are part of an approved set of pattern interrogatories. Any approved pattern interrogatory is counted as one interrogatory in determining the total number of permissible interrogatories, regardless of the number of subparts or multiple inquiries within the interrogatory. In contrast, each discrete subpart of a nonpattern interrogatory will count as a separate interrogatory. A party may combine pattern interrogatories with other interrogatories, subject to applicable limitations as to number. A party should not serve pattern interrogatories that have no application to the case.

[Court Order August 28, 2014, effective January 1, 2015]

[Report 1943; amendment 1957; amendment 1973; amendment 1975; amendment 1976; amendment 1980; amendment 1983; amendment 1984; Report April 30, 1987, effective July 1, 1987; November 30, 1993, effective March 1, 1994; September 23, 1994, effective January 3, 1995; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 17, 2006, effective May 1, 2006; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: The requirement to file answers or objections, absent court order, is eliminated. Notices of serving interrogatories are abolished. Rule 1.509(2) adds to the permissible scope of interrogatories the amounts claimed for items of damages approved by the court in *Gordon v. Noel,* 356 N.W. 2d 559 (Iowa 1984), and the addresses of trial witnesses.

Rule 1.510 Requests for admission.

1.510(1) *Availability; procedures for requests.* A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of rule 1.503 set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying.

Each matter of which an admission is requested shall be separately set forth.

A party shall not serve more than 30 requests for admission on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than 30 requests for admission must be in writing and shall set forth the proposed requests and the reasons establishing good cause for their use.

1.510(2) *Time for and content of responses.* The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may on motion allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of 60 days after service of the original notice upon defendant.

If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the party's answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of rule 1.517(3) deny the matter or set forth reasons why the party cannot admit or deny it.

1.510(3) *Determining sufficiency of responses.* The party who has requested the admission may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial. The provisions of rule 1.517(1)(*d*) apply to the award of expenses incurred in relation to the motion.

[Report 1943; amendment 1957; amendment 1973; amendment 1984; February 13, 1986, effective July 1, 1986; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; March 7, 2018, effective January 1, 2019]

Rule 1.511 Effect of admission. Any matter admitted under rule 1.510 is conclusively established in the pending action unless the court on motion permits withdrawal or amendment of the admission. Subject to the provisions of rule 1.604 governing amendment of a pretrial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining that party's action or defense on the merits. Any admission made by a party under rule 1.510 may be used only as an evidentiary admission in any other proceeding.

[Report 1943; amendment 1957; amendment 1973; February 13, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002; July 11, 2002, effective October 1, 2002]

Rule 1.512 Production of documents, electronically stored information, and things; entry upon land for inspection and other purposes.

1.512(1) *Requests.* Any party may serve on any other party a request:

a. To produce and permit the party making the request, or someone acting on that party's behalf, to inspect, copy, test, or sample any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained—translated, if necessary, by the respondent into a reasonably usable form.

b. To inspect, copy, test, or sample any designated tangible things which constitute or contain matters within the scope of rule 1.503 and which are in the possession, custody or control of the party upon whom the request is served.

c. To permit, except as otherwise provided by statute, entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of rule 1.503.

1.512(2) *Procedure.*

a. Making requests. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The request may specify the form in which electronically stored information is to be produced.

b. Responses and objections.

(1) The party upon whom the request is served shall serve a written response within 30 days after the service of the request. The court may allow a shorter or longer time.

(2) For each item or category, the response must state that inspection and related activities will be permitted as requested or state the grounds for objecting to the request with specificity, including reasons. If the responding party states that the party will produce copies of documents or of electronically stored information instead of permitting inspection, the production must be completed no later than the time for inspection stated in the request or a later reasonable time stated in the response.

(3) Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. A party may respond to a request in whole or in part subject to an objection without waiving that objection. Any response so provided is subject to the duty to supplement set forth in rule 1.503(4), but the party does not waive the objection by supplementing.

(4) An objection must state whether any responsive materials are being withheld on the basis of the objection. An objection to part of a request must specify the part and permit inspection of the rest. When a response is provided subject to an objection, the responding party must specify the extent to which the requested information has not been provided.

(5) The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form for producing electronically stored information, or if no form was specified in the request, the responding party must state the form or forms it intends to use.

c. Motion to compel. The party submitting the request may move for an order under rule 1.517 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

d. Production. Unless the parties otherwise agree, or the court otherwise orders:

(1) A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

(2) If a request does not specify the form for producing electronically stored information, the responding party must produce the information in a form in which it is ordinarily maintained or in a form that is reasonably usable.

(3) A party need not produce the same electronically stored information in more than one form.

1.512(3) *Pattern requests.* The supreme court, by supervisory order or otherwise, may approve pattern requests for production for different classes of cases.

[Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 1.513 Reserved.

Rule 1.514 Action for production or entry against persons not parties. Rule 1.512 does not preclude an independent action against a person not a party for production of documents and things and permission to enter upon land.

[Report 1943; amendment 1957; amendment 1973; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.515 Physical and mental examination of persons. When the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by a health care practitioner or to produce for examination the person in the party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.
[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: Rule 1.515 expands the category of those who can conduct a court-ordered physical or mental examination from only physicians to all health care practitioners.

Rule 1.516 Report of health care practitioner.

1.516(1) If requested by the party against whom an order is made under rule 1.515 or the person examined, the party causing the examination shall deliver a copy of the examiner's detailed written report setting out the findings, including results of all tests made, diagnosis and conclusions, together with like reports of all earlier examinations of the same condition. After delivery, if requested by the party causing the examination, the party against whom the order is made shall deliver a like report of any examination of the same condition, previously or thereafter made, unless the party shows an inability to obtain a report of examination of a nonparty. The court on motion may order a party to deliver a report on such terms as are just. If an examiner fails or refuses to make a report the court may exclude the examiner's testimony if offered at the trial.

1.516(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege the party may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.

1.516(3) This rule applies to examination made by agreement of the parties, unless the agreement expressly provides otherwise. This rule does not preclude discovery of a report of an examiner or the taking of a deposition of the examiner in accordance with the provisions of any other rule or statute.
[Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.517 Consequences of failure to make disclosures or discovery.

1.517(1) *Motion for order compelling disclosures or discovery.* A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order compelling disclosure or discovery as follows:

a. Appropriate court. A motion for an order to a party may be made to the court in which the action is pending, or, on matters relating to a deposition, to the court in the district where the deposition is being taken. A motion for an order to a deponent who is not a party shall be made to the court in the district where the deposition is being taken.

b. Specific motions.

(1) *To compel disclosure.* If a party fails to make a disclosure required by rule 1.500, any other party may move to compel disclosure and for appropriate sanctions.

(2) *To compel a discovery response.* If a deponent fails to answer a question propounded or submitted under rule 1.701 or 1.710, or a corporation or other entity fails to make a designation under rule 1.707(5), or a party fails to answer an interrogatory submitted under rule 1.509, or if a party, in response to a request for inspection submitted under rule 1.512, fails to produce documents, or fails to respond that inspection will be permitted, or fails to permit inspection, the party seeking discovery may move for an order compelling an answer, a designation, or an inspection in accordance with the request.

(3) *Related to a deposition.* When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before moving for an order.

(4) *Default; notice; protective orders.* If a motion to compel is filed and the time for resistance of that motion has expired without a resistance having been filed, the court may grant the motion without a hearing.

(5) *Sanctions.* Any order granting a motion made under this rule shall include a statement that a failure to comply with the order may result in the imposition of sanctions pursuant to rule 1.517.

(6) *Protective order.* In ruling on such motion, the court may make such protective order as it would have been empowered to make on a motion pursuant to rule 1.504(1).

c. Evasive or incomplete answer. For purposes of this rule an evasive or incomplete answer is to be treated as a failure to answer.

d. Award of expenses of motion.

(1) If the motion is granted, or if the disclosure or requested discovery is provided after the motion was filed, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

(2) If the motion is denied, the court shall, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

(3) If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

e. Notice to litigants. If the motion is granted, the court shall direct the clerk to serve a copy of the order to counsel and to the party or parties whose conduct, individually or by counsel, necessitated the motion.

1.517(2) *Failure to comply with order.*

a. Sanctions by court in district where deposition is taken. If a deponent fails to be sworn or to answer a question after being directed to do so by the court in the district in which the deposition is being taken, the failure may be considered a contempt of that court.

b. Sanctions by court in which action is pending. If a party or an officer, director, or managing agent of a party or a person designated under rule 1.707(5) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under rule 1.515 or rule 1.517(1), the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:

(1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting such party from introducing designated matters in evidence.

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(4) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination.

(5) In lieu of any of the foregoing orders or in addition thereto, the court shall require the disobedient party or the attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

1.517(3) *Failure to disclose, to supplement an earlier response, or to admit.*

a. Failure to disclose or supplement. If a party fails to provide information or identify a witness as required by rule 1.500, 1.503(4), or 1.508(3), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, on motion or after giving an opportunity to be heard:

(1) May order payment of the reasonable expenses, including attorney's fees, caused by the failure.

(2) May inform the jury of the party's failure.

(3) May impose other appropriate sanctions, including any of the orders listed in rule 1.517(2)(*b*).

b. Expenses on failure to admit. If a party fails to admit the genuineness of any document or the truth of any matter as requested under rule 1.510, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the requesting party may move for an order requiring the other party to pay the reasonable expenses incurred in making that

proof, including reasonable attorney's fees. The court shall make the order unless it finds any of the following:

(1) The request was held objectionable pursuant to rule 1.510.

(2) The admission sought was of no substantial importance.

(3) The party failing to admit had reasonable grounds to believe that the party might prevail on the matter.

(4) There was other good reason for the failure to admit.

1.517(4) *Failure of party to attend at own deposition or serve answers to interrogatories or respond to request for inspection.* If a party or an officer, director, or managing agent of a party or a person designated under rule 1.707(5) to testify on behalf of a party fails:

a. To appear before the officer who is to take the person's deposition, after being served with a proper notice; or

b. To serve answers or objections to interrogatories submitted under rule 1.509, after proper service of the interrogatories; or

c. To serve a written response to a request for inspection submitted under rule 1.512, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under rule 1.517(2)(*b*)(1), (2), (3), and (5).

d. The failure to act described in rule 1.517(4) may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by rule 1.504.

1.517(5) *Motions relating to discovery.* No motion relating to depositions, discovery, or discovery sanctions may be filed with the clerk or considered by the court unless the motion alleges that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer.

1.517(6) *Electronically stored information.* Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system.

1.517(7) *Failure to participate in framing a discovery plan.* If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by rule 1.507, the court may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses, including attorney fees, that the failure causes.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 28, 2014, effective January 1, 2015]

COMMENT: Rule 1.517(1)(*b*) requires that any order granting a motion to compel discovery shall warn of the possibility of sanctions, and rule 1.517(1)(*e*) requires that such an order shall be mailed by the clerk to both the attorney and client.

Rules 1.518 to **1.600** Reserved.

DIVISION VI
PRETRIAL PROCEDURE

Rule 1.601 Pretrial calendar. The court may provide for a pretrial calendar in any county, which may extend to all actions, or be limited either to jury or nonjury actions.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.602 Pretrial conferences; scheduling; management.

1.602(1) *Pretrial conferences; objectives.* In any action, the court may in its discretion direct the attorneys for the parties and any unrepresented parties to appear before it for a conference or conferences before trial for such purposes as:

a. Expediting the disposition of the action.

b. Establishing early and continuing control so that the case will not be protracted because of lack of management.

c. Discouraging wasteful pretrial activities.

d. Improving the quality of the trial through more thorough preparation.

e. Facilitating the settlement of the case.

1.602(2) *Scheduling and planning.*

a. Upon application of any party or on the court's own motion, except in categories of cases exempted by supreme court rule as inappropriate, the court or its designee shall enter a scheduling order setting time limits for all of the following:

(1) Joining other parties.

(2) Designating experts.

(3) Completing discovery.

(4) Amending the pleadings.

(5) Filing and hearing motions.

b. After consulting with the attorneys for the parties and any unrepresented parties, the court may also order any of the following:

(1) Special procedures, including assignment to a single judge, for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems.

(2) Provisions for discovery of electronically stored information.

(3) Any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation materials after production.

(4) The date or dates for conferences before trial, a final pretrial conference and trial.

(5) Any other matters appropriate in the circumstances of the case including extension of those deadlines which are then justified.

c. A schedule shall not be modified except by leave of the court upon a showing of good cause.

1.602(3) *Subjects to be discussed at pretrial conferences.* The court at any conference under this rule may consider and take action with respect to the following:

a. The formulation and simplification of the issues, including the elimination of frivolous claims or defenses.

b. The necessity or desirability of amendments to the pleadings.

c. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence.

d. The avoidance of unnecessary proof including limitation of the number of expert witnesses and of cumulative evidence.

e. The identification of witnesses and documents, the need and schedule for filing and exchanging pretrial briefs, and the date or dates for further conferences and for trial.

f. The advisability of referring matters to a master.

g. The possibility of settlement and imposition of a settlement deadline or the use of extrajudicial procedures to resolve the dispute.

h. The substance of the pretrial order.

i. The disposition of pending motions.

j. Settling any facts of which the court is to be asked to take judicial notice.

k. Specifying all damage claims in detail as of the date of conference.

l. All proposed exhibits and mortality tables and proof thereof.

m. Consolidation, separation for trial, and determination of points of law.

n. Questions relating to voir dire examination of jurors.

o. Filing of advance briefs when required.

p. Such other matters as may aid in the disposition of the action.

At least one of the attorneys for each party participating in any conference before trial shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

1.602(4) *Final pretrial conference.* A final pretrial conference shall be held as close to the time of trial as reasonable under the circumstances. The participants at any such conference shall formulate a plan for trial, including a program for facilitating the admission of evidence. The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.

1.602(5) *Sanctions.* If a party or party's attorney fails to obey a scheduling or pretrial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith, the court, upon motion or the court's own initiative, may

make such orders with regard thereto as are just, and among others any of the orders provided in rule 1.517(2)(*b*)(2) - (4). In lieu of or in addition to any other sanction, the court shall require the party or the attorney representing that party or both to pay the reasonable expenses incurred because of any noncompliance with this rule, including attorney's fees, unless the court finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.
[Report 1943; amendment 1961; amendment 1979; amendment 1982; amendment 1983; Report June 16, 1987, effective September 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.603 Pretrial conference; record. On the request of any interested counsel or the court, the reporter must record the entire conference, or any designated part thereof.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.604 Pretrial orders. After any conference held pursuant to rule 1.602, an order shall be entered reciting the action taken. This order shall control the subsequent course of the action unless modified by a subsequent order. The order following a final pretrial conference shall be in accordance with the final pretrial order form found in rule 1.1901, form 6, and shall be modified only to prevent manifest injustice.
[Report 1943; amendment 1957; Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002]

Rules 1.605 to **1.700** Reserved.

DIVISION VII
DEPOSITIONS AND PERPETUATING TESTIMONY

A. DEPOSITIONS

Rule 1.701 Depositions upon oral examination.

1.701(1) *When depositions may be taken.*

a. Without leave. Any party may, by deposition upon oral examination, take the testimony of any person, including a party, without leave of court except as provided in rule 1.701(*b*). The attendance of witnesses may be compelled by subpoena as provided in rule 1.715.

b. With leave. Leave of court, granted with or without notice, must be obtained if:

(1) The parties have not stipulated to the deposition and the party seeks to take the deposition before the time specified in rule 1.505(1), unless special notice is given as provided in rule 1.701(2); or

(2) The parties have not stipulated to the deposition and the deponent has already been deposed in the case; or

(3) The deponent is confined in prison.

1.701(2) *Special notice for taking of deposition by plaintiff.* Leave of court is not required for the taking of a deposition by plaintiff if the notice, in addition to those things required by rule 1.707(1), does the following:

a. States that the person to be examined is about to go out of the state and will be unavailable for examination unless the person's deposition is taken before the expiration of ten days after the date for motion or answer for any defendant.

b. Sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and the attorney's signature constitutes a certification by the attorney that to the best of the attorney's knowledge, information, and belief the statement and supporting facts are true.

If a party shows that upon being served with notice under this rule, the party was unable through the exercise of diligence to obtain counsel to represent the party at the taking of the deposition, the deposition may not be used against that party.

1.701(3) *Enlarging and shortening time.* The court may for cause shown enlarge or shorten the time for taking the deposition.

1.701(4) *Recording.* The court may upon motion order that the testimony at a deposition be recorded by other than stenographic means, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to ensure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may nevertheless arrange to have a stenographic transcription made at the party's own expense. Leave of court is

not required to record testimony by nonstenographic means if the deposition is also to be recorded stenographically.

1.701(5) *Place of deposition.*

a. Oral depositions may be taken only within this state or within 100 miles from the nearest Iowa point. But, upon motion of the party desiring the deposition, and after hearing on notice to the other parties, the court may order it orally taken at any other specified place, if the issue is sufficiently important and the testimony cannot reasonably be obtained by written interrogatories or by deposition by telephone.

b. If the deponent is a party or the officer, partner or managing agent of a party which is not a natural person, the deponent shall be required to submit to examination in the county where the action is pending, unless otherwise ordered by the court.

1.701(6) *Failure to attend or serve subpoena; expenses.*

a. If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by the other party and the other party's attorney in attending, including reasonable attorney's fees.

b. If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness does not attend because of such failure, and if another party attends in person or by attorney because such other party expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by the other party and the other party's attorney in attending, including reasonable attorney's fees.

1.701(7) *Depositions by telephone.* Any deposition permitted by the rules in this chapter may be taken by telephonic means.

A party desiring to take the deposition of any person upon oral examination by telephonic means shall give reasonable notice thereof in writing to every other party to the action. Such notice shall contain all other information required by rule 1.707(1) and shall state that the telephone conference will be arranged and paid for by the initiating party. No part of the expense for telephone service shall be taxed as costs.

The person reporting the testimony shall be in the presence of the witness unless otherwise agreed by all parties.

If any examining party desires to present exhibits to the witness during the deposition, copies shall be sent to the deponent and the parties prior to the taking of the deposition.

Nothing in this rule shall prohibit a party or counsel from being in the presence of the deponent when the deposition is taken.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.702 Depositions in small claims. In small claims, depositions may not be taken unless leave of court is first obtained on notice and showing of just cause therefor and upon such terms as justice may require.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: The revised rule requires leave of court before any depositions may be taken in a small claims case. The prior rule required leave of court for discovery depositions and did not address depositions for evidentiary purposes. The distinction between discovery and evidentiary depositions was previously abolished.

Rule 1.703 Deposition notice to parties in default. A party requiring proof to obtain a judgment against a defaulted party may take depositions after serving notice on the attorney of record for the defaulted party, or on any defaulted party having no attorney of record. Parties in default are not entitled to notice as to depositions taken under any other rule.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: The rule eliminates the requirement that a copy of the deposition notice be served on the Clerk if the defaulted party has no attorney and adds a requirement that notice be given to any defaulted party who has no attorney of record.

Rule 1.704 Use of depositions. Any part of a deposition, so far as admissible under the rules of evidence, may be used upon the trial or at an interlocutory hearing or upon the hearing of a motion in the same action against any party who appeared when it was taken, or stipulated therefor, or had due notice thereof, to do any of the following:

1.704(1) To impeach or contradict deponent's testimony as a witness.

1.704(2) For any purpose if, when it was taken, deponent was a party adverse to the offeror, or was an officer, partner, or managing agent of any adverse party which is not a natural person.

1.704(3) For any purpose, if the court finds that the offeror was unable to procure deponent's presence at the trial by subpoena; or that deponent is out of the state and such absence was not procured by the offeror; or that deponent is dead, or unable to testify because of age, illness, infirmity, or imprisonment.

1.704(4) For any purpose, if it was taken of an expert witness specially retained for litigation; or the deponent was a health care practitioner offering opinions or facts concerning a party's physical or mental condition.

1.704(5) On application and notice, the court may also permit a deposition to be used for any purpose, under exceptional circumstances making it desirable in the interests of justice; having due regard for the importance of witnesses testifying in open court.

[Report 1943; amendment 1957; Report August 27, 1987, effective November 2, 1987; Report March 21, 1989, effective June 1, 1989; November 9, 2001, effective February 15, 2002]

Rule 1.705 Effect of taking or using depositions.

1.705(1) If a party offers only part of a deposition, any other party may require an offer of all of the deposition relevant to the portion offered, and any other party may offer other relevant parts.

1.705(2) A party does not make a deponent the party's own witness by taking a deposition or using it solely under rule 1.704(1) or 1.704(2). A party introducing a deposition for any other purpose makes the deponent that party's witness, but may contradict the witness' testimony by relevant evidence.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.706 Substituted parties; successive actions. Substitution of parties does not prevent use of depositions previously taken in the action. If an action is dismissed, depositions legally taken therein may be used in any subsequent action involving the same subject matter, between the same parties, their representatives or successors in interest.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.707 Notice for oral deposition.

1.707(1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs.

1.707(2) If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

1.707(3) The notice to a party deponent may be accompanied by a request made in compliance with rule 1.512 for the production of documents and tangible things at the taking of the deposition. The procedure of rule 1.512(2) shall apply to the request.

1.707(4) No subpoena is necessary to require the appearance of a party for a deposition. Service on the party or the party's attorney of record of notice of the taking of the deposition of the party or of an officer, partner or managing agent of any party who is not a natural person, as provided in rule 1.707(1), is sufficient to require the appearance of a deponent for the deposition.

1.707(5) A notice or subpoena may name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the witness will testify. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This rule does not preclude taking a deposition by any other procedure authorized in the rules in this chapter.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008]

Rule 1.708 Conduct of oral deposition.

1.708(1) *Examination; cross-examination; recording examination; administering the oath; objections; written questions.*

a. Examination and cross-examination; recording examination; administering oath. Examination and cross-examination of witnesses may proceed as permitted at the trial. The officer before whom the deposition is to be taken shall put the witness under oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with rule 1.701(4). If requested by one of the parties, the testimony shall be transcribed.

b. Objections. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. An objection must be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under rule 1.708(2).

c. Participating through written questions. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition who shall transmit them to the officer. The officer shall propound them to the witness and record the answers verbatim.

1.708(2) *Sanction; motion to terminate or limit examination.*

a. Sanction. The court may impose an appropriate sanction, including the reasonable expenses and attorney fees incurred by any party, on a person who impedes, delays, or frustrates the fair examination of the deponent.

b. Motion to terminate or limit. At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the district where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in rule 1.504. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of rule 1.517(1)(*d*) apply to the award of expenses incurred in relation to the motion.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 28, 2014, effective January 1, 2015]

Rule 1.709 Reading and signing depositions.

1.709(1) *Where reading or signing not required.* No oral deposition reported and transcribed by an official court reporter or certified shorthand reporter of Iowa need be submitted to, read or signed by the deponent.

1.709(2) *Submission to witness; changes; signing.* In other cases, when the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or dead or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission, the officer shall sign it and state on the record the fact of the waiver or of the illness, death, or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor. The deposition may then be used as fully as though signed unless on a motion to suppress under rule 1.717(6) the court holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

[Report 1943; amendment 1963; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.710 Depositions on written interrogatories.

1.710(1) A party may take depositions on written interrogatories after first serving all other parties not in default for failure to appear with copies thereof and with a notice stating the name, title, and address of the officer to take them, and the name and address of the deponents.

1.710(2) Other parties may thereafter serve successive interrogatories on each other, but only as follows: Cross-interrogatories within ten days after the notice; redirect interrogatories within five days after the latter service; and recross interrogatories within three days thereafter. On application of any party, the court may, for good cause shown, shorten or enlarge the time for serving any such succeeding interrogatories.

1.710(3) Within the time required for cross-interrogatories, a party may elect instead to appear and orally cross-examine, by serving notice thereof on the party taking the deposition and all other parties. The party taking the deposition shall then within five days serve all parties with notice of the date, hour, and place where the deposition will be taken, which shall allow a reasonable time to enable the parties to attend. A party may waive the original written interrogatories and examine the deponent orally.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT: Rules 1.710(2) and 1.710(3) allow all parties, not just those who are adversaries to the party taking the deposition, to serve written interrogatories, elect to appear and orally cross-examine the witness, and receive notice.

Rule 1.711 Answers to interrogatories. The party taking a deposition on written interrogatories shall promptly transmit a copy of the notice and all interrogatories to the officer designated in the notice. The officer shall promptly take deponent's answers thereto and complete the deposition, all as provided in rules 1.708 and 1.709, except that answers need not be taken stenographically.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.712 Certification and return; copies.

1.712(1) The officer shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness. Documents and things produced for inspection during the deposition shall, upon the request of a party, be marked for identification and annexed to the deposition, and may be inspected and copied by any party, except that:

a. The person producing the materials may substitute copies to be marked for identification, if all parties are provided fair opportunity to verify the copies by comparison with the originals.

b. If the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to the deposition. Any party may move for an order that the original materials be filed with the court, pending final disposition of the case.

1.712(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Report 1943; amendment 1973; amendment 1980; Report October 15, 1993, effective January 3, 1994; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.713 Before whom taken.

1.713(1) The officer taking the deposition shall not be a party, a person financially interested in the action, an attorney or employee of any party, an employee of any such attorney, or any person related within the fourth degree of consanguinity or affinity to a party, a party's attorney, or an employee of either of them.

1.713(2) The officer taking the deposition, or any other person with whom such officer has a principal and agency relationship, shall not enter into an agreement for reporting services which does any of the following:

a. Requires the court reporter reporting the deposition to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney.

b. Requires the court reporter to provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation.

c. Gives an exclusive monetary or other advantage to any party.

1.713(3) Depositions within the United States or a territory or insular possession thereof may be taken before any person authorized to administer oaths by the laws of the United States, this state, or any other state, or of the place where the examination is held.

1.713(4) Depositions in a foreign land may be taken before a secretary of embassy or legation, or a consul, vice-consul, consul-general or consular agent of the United States, or under rule 1.714.

1.713(5) The deposition of a witness who is in the military or naval service of the United States may be taken before any commissioned officer under whose command the witness is serving, or any commissioned officer in the judge advocate general's department.

[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; April 9, 2003, effective July 1, 2003]

Rule 1.714 Letters rogatory. A commission or letters rogatory to take depositions in a foreign land shall be issued only when convenient or necessary, on application and notice, and on such terms and with such directions as are just and appropriate. They shall specify the officer to take the deposition, by name or descriptive title, and may be addressed: "To the Appropriate Judicial Authority of (country)."

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.715 Deposition subpoena.

1.715(1) On application of any party, or proof of service of a notice to take depositions under rule 1.707 or rule 1.710, the clerk of court where the action is pending shall issue subpoenas for persons named in and described in said notice of application. Subpoenas may also be issued as provided by statute or by rule 1.1701.

1.715(2) No resident of Iowa shall be subpoenaed to attend more than 50 miles from where the deponent resides, or is employed, or transacts business in person.

[Report 1943; amendment 1957; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 10, 2009, effective October 9, 2009]

Rule 1.716 Costs of taking deposition. Costs of taking and proceeding to procure a deposition shall be paid by the party taking it who cannot use it in evidence until such costs are paid. The judgment shall award against the losing party only such portion of these costs as were necessarily incurred for testimony offered and admitted upon the trial.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.717 Irregularities and objections.

1.717(1) *Notice.* All objections to any notice of taking any depositions are waived unless promptly served in writing upon the party giving the notice.

1.717(2) *Officer.* Objection to the officer's qualification to take a deposition is waived unless made before such taking begins, or as soon thereafter as objector knows it or could discover it with reasonable diligence.

1.717(3) *Interrogatories.* All objections to the form of any written interrogatory served under rule 1.710 are waived unless the objections are served on the interrogating party within the time allowed the objector for serving succeeding interrogatories and, as to the last interrogatories authorized, within three days after the service thereof.

1.717(4) *Taking depositions.* Errors or irregularities occurring during an oral deposition as to any conduct or manner of taking it, or the oath, or the form of any question or answer, and any other errors which might thereupon have been cured, obviated or removed, are waived unless seasonably objected to during the deposition.

1.717(5) *Testimony.* Except as above provided, testimony taken by deposition may be objected to at the trial on any ground which would require its exclusion if given by a witness in open court, and objections to testimony, or competency of a witness, need not be made prior to or during the deposition, unless the grounds thereof could then have been obviated or removed.

1.717(6) *Motion to suppress.* All objections to the manner of transcribing the testimony, or to preparing, signing, certifying, sealing, endorsing, or transmitting the deposition, or the officer's dealing with it, are waived unless made by motion to suppress the deposition or the part complained of. Such motion shall be filed with reasonable promptness after the objector knows of, or could with reasonable diligence discover, the defect. No such motion shall be sustained unless the defect is substantial and materially affects the right of some party.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.718 to **1.720** Reserved.

B. PERPETUATING TESTIMONY

Rule 1.721 Common law preserved. Rules 1.722 through 1.728 do not limit the court's common law powers to entertain actions to perpetuate testimony.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.722 Application before action. An application to take depositions to perpetuate testimony for use in an action not yet pending shall be filed in the court where the prospective action might be brought. The application shall be captioned in the name of the applicant, be supported by affidavit, and show all of the following:

1.722(1) That the applicant expects to be a party to an action cognizable in some court of record of Iowa, but which cannot currently be brought.

1.722(2) The subject matter of such action, and the applicant's interest therein.

1.722(3) The facts to be shown by the proposed testimony, and reasons for desiring to perpetuate it.

1.722(4) The name or description of each expected adverse party, with address if known.

1.722(5) The name and address of each deponent and the substance of the deponent's testimony.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.723 Notice of application. The applicant shall thereafter serve a notice upon each person named in the application as an expected adverse party, together with a copy of the application, stating that the application will come on for hearing at a time and place named therein. The notice shall be served as provided for the service of original notices other than by publication at least 20 days before the date of hearing. If service cannot with due diligence be so made upon any expected adverse party named in the application, the court may make such order as is just for service by publication or otherwise, or may, upon a showing of extraordinary circumstances, prescribe a hearing upon less than 20 days' notice.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.724 Guardian ad litem. Before hearing the application, the court shall appoint an attorney to act as guardian ad litem for any person under legal disability or not personally served with notice, who shall cross-examine for the ward if any deposition is ordered, and unless an attorney has been so appointed the deposition shall not be admissible against such person in any subsequent action.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.725 Order allowing application. If satisfied that the application is not for the purpose of discovery, and that its allowance may prevent future delay or failure of justice, and that the applicant is unable to bring the contemplated action or cause it to be brought, the court shall order the testimony perpetuated. In its order, the court shall designate the deponents, the subject matter of their examination, the time, location and officer before whom the depositions shall be taken, and whether orally or on written interrogatories.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.726 Taking and filing testimony. Depositions shall be taken as directed in the court's order; and shall be otherwise governed by rules 1.708 to 1.713 and 1.717. For the purpose of applying these rules to depositions for perpetuating testimony, each reference therein to the court in which the petition was filed shall be deemed to refer to the court in which the application for such deposition was filed. Unless the court enlarges the time, all such depositions must be filed therein within 30 days after the date fixed for taking them, and if not so filed cannot be later received in evidence.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.727 Limitations on use. Any party to any later action involving any expected adverse party who was named in the application and who was served with notice as required in rule 1.723 or the privies or successors in interest of such expected adverse party, may use such deposition, or a certified copy thereof, if the deponent is dead, mentally ill or if the deponent's attendance cannot be obtained.
[Report 1943; amended by 58GA, ch 152, §202; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.728 Perpetuating testimony pending appeal. During the time allowed for taking an appeal from judgment of a court of record or during the pendency of such appeal, that court may, on motion, allow testimony to be perpetuated for use in the event of further proceedings before it. The motion shall state the name and address of each proposed deponent, the substance of the deponent's expected testimony, and the reason for perpetuating it. If the court finds such perpetuation is proper to avoid a failure or delay of justice, and the depositions are not sought for discovery, it may order them taken as in rules 1.725 and 1.726. When taken and filed as thus provided, they shall be used and treated as though they had been taken pending the trial of the action.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.729 to **1.800** Reserved.

DIVISION VIII
CHANGE OF VENUE

Rule 1.801 Grounds for change. On motion, the place of trial may be changed in the following situations:

1.801(1) *County.* If the county where the case would be tried is a party, the motion is by an adverse party, the issue is triable by a jury, and a jury has been demanded.

1.801(2) *Interest of judge.* Where the trial judge is directly interested in the action, or related by consanguinity or affinity within the fourth degree to any party.

1.801(3) *Prejudice or influence.* If the trial judge or the inhabitants of the county are so prejudiced against the moving party, or if an adverse party has such undue influence over the county's inhabitants that the movant cannot obtain a fair trial. The motion in such case shall be supported by affidavit of the movant and three disinterested persons, none being the agent, servant, employee or attorney of the movant, nor related to the movant by consanguinity or affinity within the fourth degree. The other party shall have a reasonable time to file counter affidavits. Affiants may be examined pursuant to rule 1.431(6).

1.801(4) *Agreement.* Pursuant to written agreement of the parties.

1.801(5) *Fraud in contract.* A defendant, respondent, or other party, sued in a county where the party does not reside, on a written contract expressly performable in that county, who has filed a sworn answer claiming fraud in the inception of said contract as a complete defense, may have the case transferred to the county of that party's residence. Within ten days after the transfer is ordered, the defendant, respondent, or other party must file a bond in an amount fixed by the court, with sureties approved by the clerk, for payment of all costs; and any judgment rendered against such party shall include costs in a reasonable amount fixed by the court for expenses incurred by plaintiff and plaintiff's attorney by reason of the change.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.802 Limitations. Change of venue shall not be allowed under any of the following circumstances:

1.802(1) In an appeal from a small claims case.

1.802(2) Under rule 1.801(3) where the issues are triable to the court alone, except for prejudice of the judge.

1.802(3) Until the issues are made up, unless the objection is to the judge.

1.802(4) After a continuance, except for a cause arising since such continuance or not known to movant prior thereto.

1.802(5) After one change, for any cause then existing, and known or ascertainable with reasonable diligence.

In no event shall more than two changes be allowed to any party.
[Report 1943; July 28, 1986, effective October 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 1.803 Subsequent change. Where the case is tried after a change of place of trial, and the jury disagrees or a new trial is granted, the court may in its discretion allow a subsequent change, under rule 1.801(1), 1.801(2), 1.801(3), or 1.801(4), subject to rule 1.802.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.804 Of whole case. A change may be granted on motion of one of several coparties; and the whole cause shall then be transferred, unless separate trials are granted under rule 1.914.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.805 Where tried. Unless the change is under rule 1.801(5), the court granting it shall order the trial held in a convenient county in the judicial district, or if the ground applies to all such counties, then in another judicial district. If the ground applies only to a judge, the court in its discretion may refuse a change and procure another judge to try the case where it was brought, or the supreme court may designate another judge.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.806 Costs. Unless the change is under rule 1.801(4) or 1.801(5), the order shall designate generally all costs occasioned by the change, which movant must pay before the change is perfected. Failure to make such payment within ten days from the order waives the change of venue.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.807 Transferring cause. When a change is ordered and the required costs paid, the clerk shall forthwith transmit to the proper court a transcript of the proceedings with any original papers and shall retain an authenticated copy. The case shall be docketed in the second court without fee and shall proceed.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.808 Action brought in wrong county.

1.808(1) An action brought in the wrong county may be prosecuted there until termination, unless a defendant, before answer, moves for change to the proper county. Thereupon the court shall order the change at plaintiff's costs, which may include reasonable compensation for defendant's trouble and expense, including attorney's fees, in attending in the wrong county.

1.808(2) If all such costs are not paid within 20 days of the transfer order, the action shall be dismissed. Upon payment of the costs, the clerk shall forthwith transmit to the proper court the transcript of the proceedings, with any original papers, an authenticated copy of which shall be retained. The case shall be docketed in the second court without fee and shall proceed.
[Report 1943; November 30, 1993, effective July 1, 1994; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.809 to **1.900** Reserved.

DIVISION IX
TRIAL AND JUDGMENT

A. TRIALS

Rule 1.901 Trials and issues. A trial is a judicial examination of issues in an action, whether of law or fact. Issues arise where a pleading of one party maintains a claim controverted by an adverse party. Issues are either of law or fact. An issue of fact arises on a material allegation of fact in a pleading which is denied in an adversary's pleading or by operation of law. All other issues are issues of law which must be tried first.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.902 Demand for jury trial.

1.902(1) Jury trial is waived if not demanded according to this rule; but a demand once filed may not be withdrawn without consent of all parties not in default.

1.902(2) A party desiring a jury trial of an issue must make written demand therefor not later than ten days after the last pleading directed to that issue. A jury demand may be made in the pleading of a party and shall be noted in the caption. If filed separately with the petition, the jury demand shall be served with the original notice and petition. If filed after the petition, the jury demand shall be served and filed in accordance with rule 1.442.

1.902(3) Unless limited to a specific issue, every demand shall be deemed to include all issues triable to a jury. If a limited demand is filed, any other party may, within ten days thereafter or such shorter time as the court may order, file a demand for a jury trial of some or all other issues.

1.902(4) Notwithstanding the failure of a party to demand a jury in an action in which a demand might have been made of right, the court, in its discretion on motion and for good cause shown, but not ex parte, and upon such terms as the court prescribes, may order a trial by jury of any or all issues.
[Report 1943; amendment 1945; amendment 1961; amendment 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.903 Trial of issues; reporting.

1.903(1) *Trial of issues.* All issues shall be tried to the court except those for which a jury is demanded. Issues for which a jury is demanded shall be tried to a jury unless the court finds that there is no right thereto or all parties appearing at the trial waive a jury in writing or orally in open court.

1.903(2) *Reporting.* Unless waived by the parties, all trial proceedings shall be reported including:

a. All oral comments or statements of the court during the progress of the trial, any objections, and the court's rulings.

b. The proceedings impaneling the jury, any objections, and the court's rulings.

c. Opening statements, any objections, and the court's rulings.

d. The oral testimony, offers of proof, any objections, and the court's rulings.

e. The fact that the testimony was closed to the public.

f. The identification of exhibits, by letter or number or other appropriate mark, all written or other evidence offered, any objections, and the court's rulings.

g. All motions or other pleas made during the trial, any objections, and the court's rulings.

h. Closing arguments, any objections, and the court's rulings.

i. The return of the verdict.

j. Any other proceedings before the court or jury which might be preserved and made of record by a bill of exceptions.

1.903(3) *Court reporter memorandum.* Promptly after reporting a proceeding a court reporter shall file a memorandum that includes all of the following:

a. The type of proceeding that was reported.

b. The date(s) on which the proceeding occurred.

c. The name of the court reporter who reported the proceeding.

d. The name of the judge who presided over the proceeding.

e. The reporting fee for the proceeding.

The court reporter shall use the court reporter memorandum form found in rule 1.1901, form 12. The form shall be signed by the court reporter. The court reporter is not required to serve the memorandum on the parties. The district court clerk shall enter the memorandum on the docket. This memorandum shall constitute the certification required by Iowa Code section 624.10.

1.903(4) *Transcripts—rates for transcribing a court reporter's official notes.* Pursuant to Iowa Code section 602.3202, the maximum compensation of shorthand reporters for transcribing their official notes shall be as provided in Iowa Ct. R. 22.28.
[Report 1943; November 9, 2001, effective February 15, 2002; April 27, 2006, effective July 1, 2006; March 15, 2007, effective June 1, 2007; July 31, 2008, effective October 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.904 Findings by court.

1.904(1) *Findings; conclusions; judgment.* The court trying an issue of fact without a jury, whether by equitable or ordinary proceedings, shall find the facts in writing, separately stating its conclusions of law, and direct an appropriate judgment. A party, on appeal, may challenge the sufficiency of the evidence to sustain any finding without having objected to it by motion or otherwise. No request for findings is necessary for purposes of review. Findings of a master shall be deemed those of the court to the extent it adopts them.

1.904(2) *Motion to reconsider, enlarge, or amend.* On motion joined with or filed within the time allowed for a motion for new trial, the findings and conclusions may be reconsidered, enlarged, or amended and the judgment or decree modified accordingly or a different judgment or decree substituted. Resistances to such motions and replies may be filed and supporting briefs may be served as provided in rules 1.431(4) and 1.431(5).

1.904(3) *Motions to reconsider, enlarge, or amend other court orders, rulings, judgments, or decrees; time for filing.* In addition to proceedings encompassed by rule 1.904(1), a rule 1.904(2) motion to reconsider, enlarge, or amend another court order, ruling, judgment, or decree will be

considered timely if filed within 15 days after the filing of the order, judgment, or decree to which it is directed.

1.904(4) *Successive rule 1.904(2) motions.* Successive rule 1.904(2) motions by a party are prohibited unless the court has modified its order, ruling, judgment, or decree and the subsequent rule 1.904(2) motion is directed only at the modification.

COMMENT:

Rules 1.904(3) and 1.904(4). Rules 1.904(3) and 1.904(4) 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, the rule authorizes any timely rule 1.904(2) motion to extend the appeal deadline, subject to one exception in rule 1.904(4).

Under rule 1.904, 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]

[Report 1943; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; November 18, 2016, effective March 1, 2017]

Rule 1.905 Exceptions unnecessary. Exceptions to rulings or orders of court are unnecessary whenever a matter has been called to the attention of the court, by objection, motion or otherwise and the court has ruled thereon.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.906 Civil trial-setting conference. Except in domestic relations proceedings, no later than 21 days after any defendant has answered or appeared, the clerk shall provide a notice of civil trial-setting conference to all parties not in default. The clerk shall use Iowa Court Rule 23.5—Form 1: Notice of Civil Trial-Setting Conference, to provide the notice. The notice shall schedule a trial-setting conference no earlier than 35 days after and no later than 50 days after any defendant has answered or appeared. The parties are responsible for obtaining a timely trial-setting conference regardless of whether a party receives notice of the trial-setting conference. Failure to receive notice shall not be grounds to avoid dismissal under rule 1.944. A party may move for an earlier trial-setting conference upon giving notice to all parties. The court and the parties shall use Iowa Court Rule 23.5—Form 2: Trial Scheduling and Discovery Plan to set the trial date. If a trial is continued, the court shall set the trial to a date certain. Unless otherwise ordered, all previous deadlines will continue to apply to the case.

COMMENT:

Rule 1.906. Following receipt of the parties' Trial Scheduling and Discovery Plan and after the trial-setting conference, it is contemplated that the district court or its designee will enter an order scheduling trial. This order would also approve, supplement, or modify the terms of the Trial Scheduling and Discovery Plan as needed.

[Court Order October 30, 2014, effective January 1, 2015]

[Report 1943; amendment 1961; amendment 1977; Report 1978, effective July 1, 1979; amendment 1979; amendment 1984; Report May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; Court Order April 1, 2015, temporarily effective April 1, 2015, permanently effective June 1, 2015]

Rule 1.907 Trial assignments.

1.907(1) *Civil cases.* The court, in the exercise of its discretion, may assign a case for trial by order upon any one of the following:

a. The conclusion of a scheduling or pretrial conference.

b. The conclusion of a trial-setting conference.

c. The agreement of all parties or their counsel.

d. The court's own motion after consultation with counsel for all parties. Trial of a dissolution of marriage or a small claim may be set without consulting counsel subject to rescheduling by the court administrator upon the request of counsel in the event of a scheduling conflict.

The court may delegate its power and duty to assign cases for trial to the court administrator or other suitable person.

1.907(2) *Small claims appeals.* At least twice each month, the clerk of court shall present to a judge authorized by statute to hear the appeal, the file and any transcript or exhibits in each small claims case in which appeal was taken more than 20 days previously. The appeal shall be decided upon the record without oral argument unless, within 20 days after the appeal was taken, a party filed

with the clerk of court a written request for oral argument specifying the issues to be argued, in which event the judge may schedule oral argument. Additional evidence shall not be received except as authorized by statute.
[Report 1961; amended by 62GA, ch 474, §1; amendment 1969; amendment 1979; amended by 1984 Iowa Acts, ch 1322, §8; Report December 3, 1985, effective February 3, 1986; May 28, 1987, effective August 3, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.908 Duty to notify court.

1.908(1) *Of settlements.* Whenever a case assigned for trial has been settled, it shall be the duty of the attorneys or parties appearing in person to so notify the court immediately.

1.908(2) *Of conflicting engagements and termination thereof.* When a case assigned for trial is reached and an attorney of record therein is then actually engaged in a trial in another court, it shall be the attorney's duty to so inform the court who may hold the trial of such case in abeyance until the engagement is concluded. As soon as the attorney is free from such engagement, it shall be the attorney's duty to notify the court immediately and stand ready to proceed with trial of the case.
[Report 1961; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.909 Fee for late settlement of jury trial. In the event a party waives a jury trial or gives notice of settlement later than two full working days before a civil action is scheduled to be tried to a jury or is reached for jury trial, whichever is later, or the case is settled during trial, a fee of $1000 shall be assessed as court costs. A late settlement fee shall not be waived by the court nor shall a continuance be granted for purposes of avoiding imposition of this fee. Fees so collected shall be remitted by the clerk to the treasurer of state to be deposited in the general fund of the state.
[Report 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; January 7, 2010, effective March 8, 2010; November 30, 2010, effective January 28, 2011]

Rule 1.910 Motions for continuance.

1.910(1) Motions for continuance shall be filed without delay after the grounds therefor become known to the party or the party's counsel. Such motion may be amended only to correct a clerical error.

1.910(2) No case assigned for trial shall be continued ex parte. All motions for continuance in a case set for trial shall be signed by counsel, if any, and approved in writing by the party represented, unless such approval is waived by court order.
[Report 1943; February 13, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 1.911 Causes for continuance.

1.911(1) A continuance may be allowed for any cause not growing out of the fault or negligence of the movant, which satisfies the court that substantial justice will be more nearly obtained. It shall be allowed if all parties so agree and the court approves.

1.911(2) All such motions based on absence of evidence must be supported by affidavit of the party, the party's agent or attorney, and must show the following:

a. The name and residence of the absent witness, or, if unknown, that affiant has used diligence to ascertain them.

b. What efforts, constituting due diligence, have been made to obtain the witness or the witness' testimony, and facts showing reasonable grounds to believe the testimony will be procured by a certain, specified date.

c. What particular facts, distinct from legal conclusions, affiant believes the witness will prove, affiant believes the facts to be true, and affiant knows of no other witness by whom the facts can be fully proved.

1.911(3) If the court finds such motion sufficient, the adverse party may avoid the continuance by admitting that the witness if present, would testify to the facts therein stated, as the evidence of such witness.
[Report 1943; amendment 1961; amendment 1980; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.912 Objections; ruling; costs. The adverse party may at once, or within such reasonable time as the court allows, file specific written objections to the motion for continuance, which shall be part of the record. Where the defenses are distinct, the cause may be continued as to any one or

more defendants. Every continuance shall be at the cost of the movant unless otherwise ordered by the court.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.913 Consolidation. Unless a party shows the party will be prejudiced thereby the court may consolidate separate actions which involve common questions of law or fact or order a single trial of any or all issues therein. In such cases it may make such orders concerning the proceedings as tend to avoid unnecessary cost or delay.
[Report 1943; amendment 1955; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.914 Separate trials. In any action the court may, for convenience or to avoid prejudice, order a separate trial of any claim, counterclaim, cross-claim, cross-petition, or of any separate issue, or any number of any of them. Any claim against a party may be thus severed and proceeded with separately.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.915 Impaneling jury.

1.915(1) *Selection.* At each jury trial a person designated by the court shall select 16 jurors by drawing their names from a box without seeing the names. All jurors so drawn shall be listed. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.

1.915(2) *Oath or examination.* The prospective jurors shall be sworn. The parties shall have the right to examine those drawn. The court may conduct such examination as it deems proper. It may on its own motion exclude any juror.

1.915(3) *Challenges.* Challenges are objections to trial jurors for cause, and may be either to the panel or to an individual juror. The court shall determine the law and fact as to all challenges, and must either allow or deny them.

1.915(4) *To panel.* Before any juror is sworn, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the facts specified. If the court sustains the challenge it shall discharge the jury, no member of which can serve at that trial.

1.915(5) *To juror.* Challenge to an individual juror must be made before the jury is sworn to try the case. On demand of either party to a challenge, the juror shall answer every question pertinent to the inquiry, and other evidence may be taken.

1.915(6) *For cause.* A juror may be challenged by a party for any of the following causes:

a. A previous conviction of the juror of a felony unless it can be established through the juror's testimony or otherwise that the juror's rights of citizenship have been restored.

b. Want of any statutory qualification required to make that person a competent juror.

c. Physical or mental defects rendering the person incapable of performing the duties of a juror.

d. Consanguinity or affinity within the ninth degree to the adverse party.

e. Being a conservator, guardian, ward, employer, employee, agent, landlord, tenant, family member, or member of the household of the adverse party.

f. Being a client of the firm of any attorney engaged in the cause.

g. Being a party adverse to the challenging party in any civil action; or having complained of or been accused by the challenging party in a criminal prosecution.

h. Having already sat upon a trial of the same issues.

i. Having served as a grand or trial juror in a criminal case based on the same transaction.

j. When it appears the juror has formed or expressed an unqualified opinion on the merits of the controversy, or shows a state of mind which will prevent the juror from rendering a just verdict.

k. Being interested in an issue like the one being tried.

l. Having requested, directly, or indirectly, that the person's name be returned as a juror.

Exemption from jury service is not a ground of challenge, but the privilege of the person exempt.

1.915(7) *Number; striking.* Each side must strike four jurors. Where there are two or more parties represented by different counsel, the court in its discretion may authorize and fix an additional number of jurors to be impaneled and strikes to be exercised. After all challenges are completed, plaintiff and defendant shall alternately exercise their strikes.

1.915(8) *Vacancies.* After a challenge is sustained, another juror shall be called and examined and shall be subject to being challenged or stricken as are other jurors.

1.915(9) *Jury sworn.* The names of the eight jurors who remain on the list after all others have been stricken shall be read. These shall constitute the jury and shall be sworn substantially as follows:

"You and each of you do solemnly swear (or affirm) that you will well and truly try the issues wherein _____ is plaintiff and _____ is defendant, and a true verdict render; and that you will do so solely on the evidence introduced and in accordance with the instructions of the court."

[Report 1943; amendment 1980; amendment 1982; 1986 Iowa Acts, ch 1108, §55; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 19, 2021, temporarily effective February 19, 2021, permanently effective April 21, 2021]

Rule 1.916 Saturday a religious day. Prior to final submission of the case, no juror whose faith requires observing Saturday as a religious day can be compelled to attend on that day.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.917 Juror incapacity; minimum number of jurors.

1.917(1) *Juror incapacity.* In the event any juror becomes unable to act, or is disqualified, before the jury retires the remaining jurors shall continue to try the case.

1.917(2) *Minimum of six jurors required.* In the event more than two jurors become unable to act, or are disqualified, before the jury retires and renders a verdict, the court shall declare a mistrial.

[Report 1943; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 1.918 Returning ballots to box. When a jury is sworn, the ballots containing the names of those absent or excused from the trial shall be immediately returned to the box. Those containing the names of jurors sworn shall be set aside, and returned to the box immediately on the discharge of that jury.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.919 Procedure after jury sworn. After the jury is sworn, the trial shall proceed in the following order:

1.919(1) The party having the burden of proof on the whole action may briefly state the party's claim, and by what evidence the party expects to prove it.

1.919(2) The other party may similarly state that party's defense and evidence.

1.919(3) The first above party must then produce that party's evidence; to be followed by that of the adverse party.

1.919(4) The parties will be confined to rebutting evidence, unless the court in furtherance of justice, permits them to offer evidence in their original case.

1.919(5) Only one counsel on each side shall examine the same witness, unless otherwise permitted by the court.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.920 Further testimony for mistake. At any time before final submission, the court may allow any party to offer further testimony to correct an evident oversight or mistake, imposing such terms as it deems just.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.921 Adjournments. After trial begins, the court may, in furtherance of justice, adjourn it for such time, and on such conditions as to costs or otherwise, as it deems just.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.922 View. When the court deems proper, it may order an officer to conduct the jury in a body to view any real or personal property, or any place where a material fact occurred, and to show it to them. No other person shall speak to them during their absence on any subject connected with the trial.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.923 Arguments. The parties may either submit the case or argue it. The party with the burden of the issue shall have the opening and closing arguments. In opening, the party shall disclose all points the party relies on, and if the party's closing argument refers to any new material point or fact not so disclosed, the adverse party may reply thereto, which shall close the argument. A party waiving opening argument is limited, in closing, to reply to the adverse argument; otherwise the adverse party shall have the closing argument. The court may limit the time for argument to itself, but not for arguments to the jury.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.924 Instructions. The court shall instruct the jury as to the law applicable to all material issues in the case and such instructions shall be in writing, in consecutively numbered paragraphs, and shall be read to the jury without comment or explanation; provided, however, that in any action where the parties so agree, the instructions may be oral. At the close of the evidence, or such prior time as the court may reasonably fix, any party may file written requests that the jury be instructed as set forth in such requests. Before argument to the jury begins, the court shall furnish counsel with a preliminary draft of instructions which it expects to give on all controversial issues, which shall not be part of the record. Before jury arguments, the court shall give to each counsel a copy of its instructions in their final form, noting this fact of record and granting reasonable time for counsel to make objections, which shall be made and ruled on before arguments to the jury. Within such time, all objections to giving or failing to give any instruction must be made in writing or dictated into the record, out of the jury's presence, specifying the matter objected to and on what grounds. No other grounds or objections shall be asserted thereafter, or considered on appeal. But if the court thereafter revises or adds to the instructions, similar specific objection to the revision or addition may be made in the motion for new trial, and if not so made shall be deemed waived. All instructions and objections, except as above provided, shall be part of the record. Nothing in the rules in this chapter shall prohibit the court from reading to the jury one or more of the final instructions at any stage of the trial, provided that counsel for all parties has been given an opportunity to review the instructions being read and to make objections as provided in this rule. Any instructions read prior to conclusion of the evidence shall also be included in the instructions read to the jury following conclusion of the evidence.
[Report 1943; amendment 1961; amendment 1970; amendment 1973; amended by 65GA, ch 315, §2; amended September 5, 1984, effective November 5, 1984; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.925 Additional instructions. While the jury is deliberating, the court may in its discretion further instruct the jury, in the presence of or after notice to counsel. Such instruction shall be in writing, be filed as other instructions in the case, and be a part of the record and any objections thereto shall be made in a motion for a new trial.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.926 Materials available to jurors.

1.926(1) *Notes.* Jurors shall be permitted to take notes during the trial using materials to be provided by the court on the request of any juror. The court shall instruct the jury that the notes are not evidence and must be destroyed at the completion of the jury's deliberations.

1.926(2) *What jury may take to jury room.* When retiring to deliberate, jurors may take their notes with them and shall take with them all exhibits in evidence except as otherwise ordered. Depositions shall not be taken unless all of the evidence is in writing and none of it has been stricken.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.927 Separation and deliberation of jury.

1.927(1) A jury once sworn shall not separate unless so ordered by the court, who must then advise them that it is the duty of each juror not to converse with any other juror or person, nor be addressed

on the subject of the trial; and that, during the trial it is the duty of each juror to avoid, as far as possible, forming any opinion thereon until the cause is finally submitted.

1.927(2) On final submission, the jury shall retire for deliberation, and be kept together in charge of an officer until the jurors agree on a verdict or are discharged by the court, unless the court permits the jurors to separate temporarily overnight, on weekends or holidays, or in emergencies. During their deliberations, the officer in charge must not allow any communication to be made to the jurors, nor may the officer make any, except to ask them if they have agreed on a verdict, unless by order of court; nor communicate to any person the state of their deliberations, or the verdict agreed upon before it is rendered.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.928 Discharge; retrial. The court may discharge a jury because of any accident or calamity requiring it, or by consent of all parties, or when on an amendment a continuance is ordered, or if they have deliberated until it satisfactorily appears that they cannot agree. The case shall be retried immediately or at a future time, as the court directs.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.929 Court open for verdict. The court may adjourn as to other business while the jury is absent, but shall be open for every purpose connected with the cause submitted to the jury until it returns a verdict or is discharged.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.930 Food and lodging. The court may order that food and lodging be provided at state expense for a jury being kept together to try or deliberate on a cause.

[Report 1943; 1983 Iowa Acts, ch 186, §10142; November 9, 2001, effective February 15, 2002]

Rule 1.931 Rendering verdict and answering interrogatories.

1.931(1) *Number.* Before a general verdict, special verdicts, or answers to interrogatories are returned, the parties may stipulate that the finding may be rendered by a stated majority of the jurors. In the absence of such stipulation, a general verdict, special verdicts, or answers to interrogatories must be rendered unanimously. However, a general verdict, special verdict, or answers to interrogatories may be rendered by all jurors excepting one of the jurors if the jurors have deliberated for a period of not less than six hours after the issues to be decided have been submitted to them.

1.931(2) *Return; poll.* The jury agreeing on a general verdict, special verdicts, or answers to interrogatories shall bring the finding into court where it shall be read to the jury and inquiry made if it is the jury's finding. A party may then require a poll, whereupon the court or clerk shall ask each juror if it is the juror's finding. If the required number of jurors does not express agreement, the jury shall be sent out for further deliberation; otherwise, the finding is complete and, unless otherwise provided by law, the jury shall be discharged.

1.931(3) *Sealed.* When, by consent of the parties and the court, the jury has been permitted to seal its finding and separates before it is rendered, such sealing is equivalent to a rendition and a recording thereof in open court, and such jury shall not be polled or permitted to disagree with respect thereto.

[Report 1943; amendment 1973; amended by 65GA, ch 315, §4; amendment 1980; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.932 Form and entry of verdicts. General verdicts, special verdicts, and answers to interrogatories shall be in writing. When unanimous they shall be signed by the foreman or forewoman chosen by the jury, and when they are not unanimous, they shall be signed by all jurors concurring therein. They shall be sufficient in form if they express the intent of the jury. They shall be filed with the clerk and be entered of record after being put in form by the court if need be.

[Report 1943; amendment 1973; November 9, 2001, effective February 15, 2002]

Rule 1.933 Special verdicts. The court may require that the verdict consist wholly of special written findings on each issue of fact. It shall then submit in writing questions susceptible of categorical or brief answers, or forms of several special findings that the jury might properly make under the issues

and evidence, or submit the issues and require the findings in any other appropriate manner. It shall so instruct the jury as to enable it to find upon each issue submitted. If the submission omits any issue of fact, any party not demanding submission of such issue before the jury retires waives jury trial thereof, and the court may find upon it; failing which, it shall be deemed found in accord with the judgment on the special verdict. The court shall direct such judgment on the special verdict and answers as is appropriate thereto. Special interrogatories under Iowa Code chapter 668 shall be treated as special verdicts for purposes of the rules in this chapter.
[Report 1943; amended February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 1.934 Interrogatories. The jury in any case in which it renders a general verdict may be required by the court, and must be so required on the request of any party to the action, to find specially upon any particular questions of fact, to be stated to it in writing, which questions of fact shall be submitted to the attorneys of the adverse party before argument to the jury is commenced. The instructions shall be such as will enable the jury to answer the interrogatories and return the verdict. If both are harmonious, the court shall order the appropriate judgment. If the answers are consistent with each other, but any is inconsistent with the general verdict, the court may order judgment appropriate to the answers notwithstanding the verdict, or a new trial, or send the jury back for further deliberation. If the answers are inconsistent with each other, and any is inconsistent with the verdict, the court shall not order judgment, but either send the jury back or order a new trial.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.935 Reference to master. A "master" includes a referee, auditor or examiner. On a showing of exceptional conditions requiring it, the court may appoint a master as to any issues not to be tried to a jury. The clerk shall furnish the master with a copy of the order of appointment.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.936 Compensation. The court shall fix the master's compensation and order it paid or advanced by such parties, or from such fund or property, as it may deem just. Execution may issue on such order at the master's demand. The master shall not retain any reports as security for compensation.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.937 Powers. The order may specify or limit the master's powers or duties, the issue on which a report is to be made, or the time within which a hearing shall be held or a report filed, or specify that the master merely take and report evidence. Except as so limited the master shall have and exercise power to regulate all proceedings before the master; to administer oaths and to do all acts and take all measures appropriate for the efficient performance of the master's duties; to compel production before the master of any witness or party whom the master may examine, or of any evidence on any matters embraced in the reference, and to rule on admissibility of evidence. The master shall, on request, make a record of evidence offered and excluded. The master may appoint a shorthand reporter whose fees shall be advanced by the requesting party.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.938 Speedy hearing. Upon appointment the master shall notify the parties of the time and place of their first meeting, which shall be within 20 days or such other time as the court's order may fix. If a party so notified fails to appear, the master may proceed ex parte, or, in the master's discretion, adjourn to a future day, giving notice thereof to the absent party. It is the duty of the master to proceed with all reasonable diligence; and the court, after notice to the master and the parties, may order the master to expedite proceedings or make a report.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.939 Witnesses. Any party may subpoena witnesses before a master as for trial in open court; and a witness failing to appear or testify without good cause shall be subject to the same punishment and consequences.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.940 Accounts. The master may prescribe the form for submission of accounts which are in issue. In any proper case the master may require or receive in evidence the statement of a certified public accountant who testifies as a witness. If any item submitted or stated is objected to, or shown insufficient in form, the master may require that a different form be furnished, or that the accounts or any item thereof be proved by oral testimony or written interrogatories of the accounting parties, or in such other manner as the master directs.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.941 Filing report. The master shall file with the clerk the original exhibits, and any transcript of the proceedings and evidence, otherwise a summary thereof, with a report on the matters submitted in the order of reference, including separate findings and conclusions if so ordered. The master may submit a draft of the report to counsel for their suggestions.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.942 Disposition. The clerk shall mail notice of filing the report to all attorneys of record. Within ten days after mailing, unless the court enlarges the time, any party may file written objections to it. Application for action on said report, or objections, shall be heard on such notice as the court prescribes. The report shall have the same effect whether or not the reference was by consent; but where parties stipulate that the master's findings shall be final, only questions of law arising upon the report shall thereafter be considered. The court shall accept the master's findings of fact unless clearly erroneous; and may adopt, reject or modify the report wholly or in any part, or recommit it with instructions.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.943 Voluntary dismissal. A party may, without order of court, dismiss that party's own petition, counterclaim, cross-claim, cross-petition or petition of intervention, at any time up until ten days before the trial is scheduled to begin. Thereafter a party may dismiss an action or that party's claim therein only by consent of the court which may impose such terms or conditions as it deems proper; and it shall require the consent of any other party asserting a counterclaim against the movant, unless that will still remain for an independent adjudication. A dismissal under this rule shall be without prejudice, unless otherwise stated; but if made by any party who has previously dismissed an action against the same defendant, in any court of any state or of the United States, including or based on the same cause, such dismissal shall operate as an adjudication against that party on the merits, unless otherwise ordered by the court, in the interests of justice.
[Report 1943; amendment 1982; amended October 9, 1984, effective December 8, 1984; December 28, 1989, effective July 2, 1990; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.944 Uniform rule for dismissal for want of prosecution.

1.944(1) It is the declared policy that in the exercise of reasonable diligence every civil and special action, except under unusual circumstances, shall be brought to issue and tried within one year from the date it is filed and docketed and in most instances within a shorter time.

1.944(2) All cases at law or in equity where the petition has been filed more than one year prior to July 15 of any year shall be tried prior to January 1 of the next succeeding year. The clerk shall prior to August 15 of each year give notice to counsel of record as provided in rule 1.442 of the docket number, the names of parties, counsel appearing, and date of filing petition. The notice shall state that such case will be subject to dismissal if not tried prior to January 1 of the next succeeding year pursuant to this rule. All such cases shall be assigned and tried or dismissed without prejudice at plaintiff's costs unless satisfactory reasons for want of prosecution or grounds for continuance be shown by application and ruling thereon after notice and not ex parte.

1.944(3) This rule shall not apply to the following cases provided, however, that a finding as to *"a"* through *"e"* is made and entered of record:

a. Cases pending on appeal from a court of record to a higher court or under order of submission to the court.

b. Cases in which proceedings subsequent to judgment or decree are pending.

c. Cases which have been stayed pursuant to the Servicemembers Civil Relief Act [50 U.S.C. app. §501].

d. Cases where a party is paying a claim pursuant to written stipulation on file or court order.

e. Cases awaiting the action of a referee, master or other court-appointed officer.

1.944(4) The case shall not be dismissed if there is a timely showing that the original notice and petition have not been served and that the party resisting dismissal has used due diligence in attempting to cause process to be served.

1.944(5) No continuance under this rule shall be by stipulation of parties alone but must be by order of court. Where appropriate the order of continuance shall be to a date certain.

1.944(6) The trial 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 action or actions so dismissed. Application for such reinstatement, setting forth the grounds therefor, shall be filed within six months from the date of dismissal.

[Report 1961; amended by 61GA, ch 487, §2; amendment 1969; amendment 1975; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 25, 2004, effective May 1, 2004]

Rule 1.945 Involuntary dismissal. A party may move for dismissal of any action or claim against the party or for any appropriate order of court, if the party asserting it fails to comply with the rules of this chapter or any order of court. After a party has rested, the adverse party may move for dismissal because no right to relief has been shown, under the law or facts, without waiving the right to offer evidence thereafter.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.946 Effect of dismissal. All dismissals not governed by rule 1.943 or not for want of jurisdiction or improper venue, shall operate as adjudications on the merits unless they specify otherwise.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.947 Costs of previously dismissed action. Where a plaintiff sues on a claim that was previously dismissed against the same defendant in any court of any state or the United States, the court may stay such suit until the costs of the prior action are paid.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.948 to **1.950** Reserved.

B. JUDGMENTS GENERALLY

Rule 1.951 Judgment defined. Every final adjudication of any of the rights of the parties in an action is a judgment.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.952 Partial judgment. A party who succeeds in part only may have judgment expressly for the successful part and against that party as to the rest.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.953 As to some parties only. Where the action involves two or more parties, the court may, in its discretion, and though it has jurisdiction of them all, render judgment for or against some of them only, whenever the prevailing party would have been entitled thereto had the action involved the prevailing party alone, or whenever a several judgment is proper; leaving the action to proceed as to the other parties.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.954 Judgment on the pleadings. After the pleadings a party may move for judgment on the pleadings.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 10, 2009, effective October 9, 2009]

Rule 1.955 On verdict. The clerk must forthwith enter judgment upon a verdict when filed, unless it is special, or the court has ordered the case reserved for future argument or consideration.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.956 Principal and surety; order of liability. A judgment against principal and surety shall recite the order of their liability upon it. A "surety" includes all persons whose liability on the claim is secondary to that of another.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.957 On claim and counterclaim. A claim and counterclaim shall not be set off against each other, except by agreement of both parties or unless required by statute. The court, on motion, may order that both parties make payment into court for distribution, if it finds that the obligation of either party is likely to be uncollectible. If there are multiple parties and separate set-off issues, each set-off issue should be determined independently of the others. The court shall distribute the funds received and declare obligations discharged as if the payment into court by either party had been a payment to the other party and any distribution of those funds back to the party making payment had been a payment to that party by the other party.
[Report 1943; amendment 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.958 Reserved.

Rule 1.959 Entry. All judgments and orders must be entered on the record of the court and clearly specify the relief granted or the order made.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.960 Taxation of costs. When the court fails to assess costs upon disposition of an action, the clerk shall notify the judicial officer of such failure. If the court does not, within ten days of such notification, make an assessment of costs, the clerk shall enter judgment for costs against the party initiating the action.
[Report 1961; November 9, 2001, effective February 15, 2002; June 16, 2003, effective September 1, 2003]

Rule 1.961 Notes surrendered. The clerk shall not, unless by special order of the court, enter or record any judgment based on a note or other written evidence of indebtedness until such note or writing is first filed with the clerk for cancellation.
[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.962 Affidavit of identity. The clerk shall not enter a personal judgment until the creditor, creditor's agent or attorney, files an affidavit stating the full name, occupation and residence of the judgment debtor, to affiant's information and belief. If such residence is in an incorporated place of more than 5,000 population, the affidavit shall include the street number of debtor's residence and business address, if any. But a judgment entered or recorded without such affidavit shall not be invalid.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.963 to **1.970** Reserved.

C. DEFAULTS AND JUDGMENTS THEREON

Rule 1.971 Default defined. A party shall be in default whenever that party does any of the following:

1.971(1) Fails to serve and, within a reasonable time thereafter, file a motion or answer as required in rule 1.303 or 1.304.

1.971(2) Withdraws a pleading without permission to replead.

1.971(3) Fails to be present for trial.

1.971(4) Fails to comply with any order of court.

1.971(5) Does any act which permits entry of default under any rule or statute.

[Report 1943; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.972 Procedure for entry of default.

1.972(1) *Entry.* If a party not under legal disability or not a prisoner in a reformatory or penitentiary is in default under rule 1.971(1) or 1.971(2), the clerk shall enter that party's default in accordance with the procedures set forth in this rule without any order of court. All other defaults shall be entered by the court.

1.972(2) *Application.* Requests for entry of default under rule 1.972(1) shall be by written application to the clerk of the court in which the matter is pending. No default shall be entered unless the application contains a certification that written notice of intention to file the written application for default was given after the default occurred and at least ten days prior to the filing of the written application for default. A copy of the notice shall be attached to the written application for default. If the certification is filed, the clerk on request of the adverse party must enter the default of record without any order of court.

1.972(3) *Notice.*

a. To the party. A copy of the notice of intent to file written application for default shall be sent by ordinary mail to the last known address of the party claimed to be in default. No other notice to a party claimed to be in default is required.

b. Represented party. When a party claimed to be in default is known by the party requesting the entry of default to be represented by an attorney, whether or not that attorney has formally appeared, a copy of notice of intent to file written application for default shall be sent by ordinary mail to the attorney for the party claimed to be in default. This rule shall not be construed to create any obligation to undertake any affirmative effort to determine the existence or identity of counsel representing the party claimed to be in default.

c. Computation of time. The ten-day period specified in rule 1.972(2) shall begin from the date of mailing notice, not the receipt thereof.

d. Form of notice. The notice required by rule 1.972(2) shall be substantially as set forth in rule 1.1901, Form 10.

1.972(4) *Applicability.* The notice provisions of this rule shall not apply to a default sought and entered in the following cases:

a. Any case prosecuted under small claims procedure.

b. Any forcible entry and detainer case, whether or not placed on the small claims docket.

c. Any juvenile proceeding.

d. Against any party claimed to be in default when service of the original notice on that party was by publication.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.973 Judgment on default. Judgment upon a default shall be rendered as follows:

1.973(1) Where the claim is for a sum certain, or which by computation, can be made certain, the clerk, upon request, shall make such computation as may be necessary, and upon affidavit that the amount is due shall enter judgment for that amount, and costs against the party in default.

1.973(2) In all cases the court on motion of the prevailing party, shall order the judgment to which the prevailing party is entitled, provided notice and opportunity to respond have been given to any party who has appeared, and the clerk shall enter the judgment so ordered. If no judge is holding court in the county, such order may be made by a judge anywhere in the judicial district as provided in rule 1.453. The court may, and on demand of any party not in default shall, either hear any evidence or accounting required to warrant the judgment or refer it to a master; or submit it to a jury if proper demand has been made therefor under rule 1.902.

[Report 1943; Report 1978, effective July 1, 1979; February 1, 1991, effective July 1, 1991; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.974 Notice of default in certain cases. When any judgment other than one in rem has been taken by default against a party served with notice delivered to another person as provided in rule 1.305(1), the clerk shall immediately give written notice thereof, by ordinary mail to such party at that party's last known address, or the address where such service was had. The clerk shall make a record of such mailing. Failure to give such notice shall not invalidate the judgment.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.975 On published service. No personal judgment shall be entered against a person served only by publication or by publication and mailing, as provided in rule 1.311, unless that party has appeared.
[Report 1943; amendment 1951; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.976 Relief in other cases. The judgment may award any relief consistent with the petition and embraced in its issues; but unless the defaulting party has appeared, it cannot exceed what is demanded.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.977 Setting aside default. On motion and for good cause shown, and upon such terms as the court prescribes, but not ex parte, the court may set aside a default or the judgment thereon, for mistake, inadvertence, surprise, excusable neglect or unavoidable casualty. Such motion must be filed promptly after the discovery of the grounds thereof, but not more than 60 days after entry of the judgment. Its filing shall not affect the finality of the judgment or impair its operation.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.978 to **1.980** Reserved.

D. SUMMARY JUDGMENTS

Rule 1.981 On what claims. Summary judgment may be had under the following conditions and circumstances:

1.981(1) *For claimant.* A party seeking to recover upon a claim, counterclaim, cross-petition or cross-claim or to obtain a declaratory judgment may, at any time after the appearance day or after the filing of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in that party's favor upon all or any part thereof.

1.981(2) *For defending party.* A party against whom a claim, counterclaim, cross-petition or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in that party's favor as to all or any part thereof.

1.981(3) *Motion and proceedings thereon.* The motion shall be filed not less than 60 days prior to the date the case is set for trial, unless otherwise ordered by the court. Any party resisting the motion shall file a resistance within 15 days, unless otherwise ordered by the court, from the time when a copy of the motion has been served. The resistance shall include a statement of disputed facts, if any, and a memorandum of authorities supporting the resistance. If affidavits supporting the resistance are filed, they must be filed with the resistance. Notwithstanding the provisions of rules 1.431 and 1.435, the time fixed for hearing or nonoral submission shall be not less than 20 days after the filing of the motion, unless a shorter time is ordered by the court. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

1.981(4) *Case not fully adjudicated on motion.* If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

1.981(5) *Form of affidavits; further testimony; defense required.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or filed therewith. The court may permit affidavits to be supplemented or opposed

by depositions, answers to interrogatories, further affidavits, or oral testimony. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials in the pleadings, but the response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered.

1.981(6) *When affidavits are unavailable.* Should it appear from the affidavits of a party opposing the motion that the party for reasons stated cannot present by affidavit facts essential to justify the opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

1.981(7) *Affidavits made in bad faith.* Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused that party to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

1.981(8) *Supporting statement and memorandum.* Upon any motion for summary judgment pursuant to this rule, there shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits which support such contentions and a memorandum of authorities.

[Report 1943; amendment 1967; amendment 1975; amendment 1980; July 15, 1991, effective January 2, 1992; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rule 1.982 On motion in other cases.

1.982(1) Judgments may be obtained on motion by sureties against principals or cosureties for money due because paid by them as such; by clients against attorneys, by plaintiffs in execution against sheriffs or other officers for money or property collected by them; and in all other cases specially authorized by statute.

1.982(2) A judgment for contribution based on comparative fault may be obtained on motion only where the basis for such judgment has been established by findings of fact previously made by the court or jury in the action in which the motion is filed, and only by or against the persons who were parties to that action at the time said findings were made.

1.982(3) A motion for contribution permitted by this rule may be filed after final judgment has been entered in the action and the pendency of an appeal shall not deprive the court of jurisdiction to consider same.

1.982(4) A judgment for contribution on motion, where permitted under this rule, may be in the form of a declaratory judgment conditioned upon the future satisfaction by a party of one or more of the judgments entered in the action.

[Report 1943; amended February 21, 1985, effective July 1, 1985; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.983 Procedure. If a motion under rule 1.982 is filed in an action already pending, the procedure shall be as in rule 1.981. Otherwise, the motion shall be served on the party against whom relief is sought, together with notice of the time and place of hearing. Service shall be made at least ten days before the date set for hearing. The court shall hear the motion at the time fixed in the notice without further pleadings and give judgment accordingly.

[Report 1943; amendment 1967; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rules 1.984 to **1.1000** Reserved.

DIVISION X
PROCEEDINGS AFTER JUDGMENT

Rule 1.1001 Bill of exceptions.

1.1001(1) *When necessary.* A bill of exceptions shall be necessary only to show material portions of the record of the cause not shown by the court files, entries, or legally certified shorthand notes of the trial, if any.

1.1001(2) *Affidavits.* Not more than five affidavits in support of any exception may be filed with the bill. Controverting affidavits, not exceeding five, may be filed within seven days thereafter. The court, for good cause shown, may extend the time for filing such affidavits.

1.1001(3) *Certification; judge; bystanders.* The proposed bill of exceptions shall be promptly presented to the trial judge, who shall sign it if it fairly presents the facts. If the judge refuses, and counsel so certifies, and at least two bystanders attest in writing that the exceptions are correctly stated, the bill thus certified and attested shall be filed and become part of the record.

1.1001(4) *Disability.* Whenever the judge or master who tried the cause is for any reason unable to sign a bill of exceptions or certify the shorthand reporter's record, the same may be done by a successor, or by any judge of the court in which the proceeding was pending.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1002 New trial defined. A new trial is the reexamination in the same court of any issue of fact or part thereof, after a verdict, or master's report, or a decision of the court.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1003 Judgment notwithstanding verdict. On motion, any party may have judgment in that party's favor despite an adverse verdict, or the jury's failure to return any verdict under any of the following circumstances:

1.1003(1) If the pleadings of the adverse party fail to allege some material fact necessary to constitute a complete claim or defense and the motion clearly specifies such failure.

1.1003(2) If the movant was entitled to a directed verdict at the close of all the evidence, and moved therefor, and the jury did not return such verdict, the court may then either grant a new trial or enter judgment as though it had directed a verdict for the movant.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1004 New trial. On motion, the aggrieved party may have an adverse verdict, decision, or report or some portion thereof vacated and a new trial granted if any of the following causes materially affected movant's substantial rights:

1.1004(1) Irregularity in the proceedings of the court, jury, master, or prevailing party; or any order of the court or master or abuse of discretion which prevented the movant from having a fair trial.

1.1004(2) Misconduct of the jury or prevailing party.

1.1004(3) Accident or surprise which ordinary prudence could not have guarded against.

1.1004(4) Excessive or inadequate damages appearing to have been influenced by passion or prejudice.

1.1004(5) Error in fixing the amount of the recovery, whether too large or too small, in an action upon contract or for injury to or detention of property.

1.1004(6) That the verdict, report or decision is not sustained by sufficient evidence, or is contrary to law.

1.1004(7) Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial.

1.1004(8) Errors of law occurring in the proceedings, or mistakes of fact by the court.

1.1004(9) On any ground stated in rule 1.1003, the motion specifying the defect or cause giving rise thereto.

[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1005 Motion; affidavits. Motions under rules 1.1003 and 1.1004 shall be in writing; and if based on grounds stated in rule 1.1004(2), 1.1004(3), or 1.1004(7) may be sustained and controverted by affidavits and heard pursuant to rule 1.431(6).
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1006 Stay. If motions under rule 1.1003 or 1.1004 or a petition under rule 1.1012 are timely filed, the court may, in its discretion and on such terms, if any, as it deems proper order a stay of any or all further proceedings, executions or process to enforce the judgment, pending disposition of such motion or petition.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1007 Time for motions and exceptions. Motions under rules 1.1003 and 1.1004 and bills of exception under rule 1.1001 must be filed within fifteen days after filing of the verdict, report or decision with the clerk or discharge of a jury which failed to return a verdict, unless the court, for good cause shown and not ex parte, grants an additional time not to exceed 30 days. Resistances and replies may be filed and supporting briefs may be served as provided in rules 1.431(4) and 1.431(5).
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 4, 2010, effective October 4, 2010]

Rule 1.1008 Conditional rulings on grant of motion.

1.1008(1) Any motion may be filed under rule 1.1003 or 1.1004 without waiving the right to file or rely on any other of such motions.

1.1008(2) Not later than fifteen days after entry of a judgment notwithstanding the verdict, the party whose verdict has been set aside may file a motion for new trial pursuant to rule 1.1004.

1.1008(3) If a motion for judgment notwithstanding the verdict is granted, the court shall also rule on any motion for new trial by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the motion for new trial. If a motion for new trial is thus conditionally granted, the order thereon does not affect the finality of the judgment. If a motion for new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless otherwise ordered by the appellate court. If a motion for new trial has been conditionally denied, the appellee may assert error in that denial; and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate court.
[Report 1943; amendment 1953; amendment 1973; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; August 4, 2010, effective October 4, 2010]

Rule 1.1009 Issues tried by consent; amendment. In deciding motions under rule 1.1003 or 1.1004, the court shall treat issues not embraced in the pleadings but actually tried by express or implied consent of the parties as though they had been pleaded. Either party may then amend to conform the party's pleadings to such issues and the evidence upon them; but failure so to amend shall not affect the result of the trial.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1010 Conditional new trial.

1.1010(1) The district court may permit a party to avoid a new trial under rule 1.1003 or 1.1004 by agreeing to such terms or conditions as it may impose, which shall then be shown of record and a judgment entered accordingly.

1.1010(2) If the term or condition imposed is a choice between consenting to a reduced, modified or increased judgment amount or proceeding to a new trial, regardless of whether imposed by the district court or an appellate court, then the choice shall be made by filing a written consent to the reduced, modified or increased judgment with the clerk of the district court in which the case was tried within the following times:

a. If imposed by the district court, on or before seven days before the date when an appeal must be taken pursuant to Iowa R. App. P. 6.101.

b. If imposed by an appellate court, on or before 30 days after the date the procedendo is filed with the district court.

If such a written consent is not filed within these time periods, then the new trial imposed as the other choice shall be deemed ordered automatically.

1.1010(3) In the event of an appeal any such term or condition or judgment entered pursuant to district court order shall be deemed of no force and effect and the original judgment entered pursuant to rule 1.955 shall be deemed reinstated.

[Report 1943; amendment 1953; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1011 Retrial after published notice.

1.1011(1) *Retrial.* Except in actions for dissolution of marriage and annulment of marriage, if judgment is entered against a defendant who did not appear and was served only by publication or by publication and mailing, as provided in rule 1.311, the defendant may apply for retrial within six months after entry of judgment, and on giving security for costs is then entitled to a defense and trial as though there was no judgment.

1.1011(2) *New judgment.* After such retrial, the court may confirm the judgment, modify or set it aside and order a party to restore any money or property remaining in the party's possession under it, or to repay the value of any money or property the party thus received.

[Report 1943; amendment 1951; Report 1978, effective July 1, 1979; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1012 Grounds for vacating or modifying judgment. Upon timely petition and notice under rule 1.1013 the court may correct, vacate or modify a final judgment or order, or grant a new trial on any of the following grounds:

1.1012(1) Mistake, neglect or omission of the clerk.

1.1012(2) Irregularity or fraud practiced in obtaining it.

1.1012(3) Erroneous proceedings against a minor or person of unsound mind, when such errors or condition of mind do not appear in the record.

1.1012(4) Death of a party before entry of the judgment or order, and its entry without substitution of a proper representative.

1.1012(5) Unavoidable casualty or misfortune preventing the party from prosecuting or defending.

1.1012(6) Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial, and was not discovered within the time for moving for new trial under rule 1.1004.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1013 Procedure for vacating or modifying judgment.

1.1013(1) *Petition.* A petition for relief under rule 1.1012 requires payment of the filing fee set forth in Iowa Code section 602.8105(1)(*a*), or if made in small claims, the filing fee set forth in section 631.6(1)(*a*), and must be filed and served in the original action within one year after the entry of the judgment or order involved. It shall state the grounds for relief, and, if it seeks a new trial, show that they were not and could not have been discovered in time to proceed under rule 1.977 or 1.1004. If the pleadings in the original action did not allege a meritorious action or defense the petition shall do so. It shall be supported by affidavit as provided in rule 1.413(3).

1.1013(2) *Notice.* The petitioner must serve the adverse party with an original notice and petition in the manner provided in rules 1.301 through 1.315, located in division III of the rules in this chapter.

1.1013(3) *Trial.* The court shall promptly assign the petition for trial not less than 20 days after notice is served. The petition shall stand denied without answer; otherwise the issues and pleadings, and form and manner of the trial shall be the same, as nearly as may be, as in the trial of an ordinary action to the court, and with the same right of appeal. No new claim shall be introduced.

1.1013(4) *Preliminary determination.* The court may try and determine the validity of the grounds to vacate or modify a judgment or order before trying the validity of the claim or defense.

1.1013(5) *Judgment.* If the original judgment or order is affirmed after a stay under rule 1.1006, additional judgment shall be entered against the petitioner for the costs of the trial, and also, in the court's discretion, for damages not exceeding 10 percent of the judgment affirmed.

[Report 1943; amended February 1, 1989, effective May 1, 1989; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; May 26, 2010, effective July 24, 2010]

Rule 1.1014 Disposition of exhibits. One year after the final determination of a case, the clerk may destroy all exhibits filed provided that counsel of record are notified in writing that the exhibits will

be destroyed unless receipted for within 60 days thereafter. The clerk may destroy all trial exhibits without notice two years after final determination of the case.
[Report 1965; January 2, 1996, effective March 1, 1996; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1015 Titles and liens protected.

1.1015(1) The title of a good faith purchaser to property sold under the original judgment shall not be affected or impaired by any judgment, order or proceeding under rules 1.1011 through 1.1013.

1.1015(2) If the original judgment is merely modified pursuant to any of said rules, all liens or securities obtained under it shall be preserved in the modified judgment.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1016 Judgment discharged on motion. Where matter in discharge of a judgment has arisen since its entry, the defendant or any interested person may, on motion, have the same discharged in whole or in part, according to the circumstances.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1017 Fraudulent assignment; motion. The court may, on motion, inquire into the assignment of a judgment, or its entry to the use of any party, and cancel the assignment or strike out such use, in whole or in part, whenever it determines the same to be inequitable, fraudulent or done in bad faith.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1018 Execution; duty of officer. An officer receiving an execution must execute it with diligence. The officer shall levy on such property of the judgment debtor as is likely to bring the exact amount, as nearly as practicable. The officer may make successive levies if necessary. The officer shall collect the things in action, by suit in the officer's own name if need be, or sell them. The officer shall sell sufficient property levied on and garnish sufficient funds, or property of sufficient value, to satisfy the execution, paying the proceeds, less the officer's own costs, to the clerk.
[Report 1943; 1992 Iowa Acts, ch 1044, §1, effective July 1, 1992; November 9, 2001, effective February 15, 2002]

Rule 1.1019 Endorsement. The officer shall endorse on the execution, the day and hour the officer receives it; and the levy, sale, or other act done by virtue of it, with the date thereof; and the date and amount of any receipts or payments toward its satisfaction. Each endorsement shall be made at the time of the act or receipt; but no levy or sale under the execution shall be impaired by failure to make any such endorsement at the time here provided.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1020 Levy on personalty. Levy on personalty may be made under an attachment or general execution by either of the following methods, but no lien is created until compliance with one of them.

1.1020(1) By the officer taking possession of the property, and signing and appending to the execution its exact description at length, with the date of the levy.

1.1020(2) If the creditor or the creditor's agent first so requests in writing, the officer may view the property, prepare a written inventory of its exact description at length, and append the inventory to the execution, with the officer's signed statement of the number and title of the case, the names of the debtor and judgment creditor, the amount claimed under the execution, the exact location of the property and in whose possession, and the last known address of the judgment debtor. A certified transcript of the inventory and statement shall be filed with the secretary of state. Such filing shall be accepted by the secretary of state and shall be marked, indexed and certified in the same manner as a financing statement, and shall be constructive notice of the levy to all persons. If the writ is satisfied or the levy discharged the officer shall file a termination statement with the secretary of state. The fees normally charged by the secretary of state for the filing of a financing statement and the filing of a termination statement shall be paid by the officer and shall be taxed as a part of the costs of the levy.
[Report 1943; amendment 1967; amendment 1975; October 31, 1997, effective January 24, 1998; July 27, 2001, effective October 1, 2001; November 9, 2001, effective February 15, 2002]

Rules 1.1021 to **1.1100** Reserved.

DIVISION XI
DECLARATORY JUDGMENTS

Rule 1.1101 Declaratory judgments permitted. Courts of record within their respective jurisdictions shall declare rights, status, and other legal relations whether or not further relief is or could be claimed. It shall be no objection that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form or effect, and such declarations shall have the force and effect of a final decree. The existence of another remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The enumeration in rules 1.1102, 1.1103, and 1.1104, does not limit or restrict the exercise of this general power.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1102 Construing contracts, etc. Any person interested in an oral or written contract, or a will, or whose rights, status or other legal relations are affected by any statute, municipal ordinance, rule, regulation, contract or franchise, may have any question of the construction or validity thereof or arising thereunder determined, and obtain a declaration of rights, status or legal relations thereunder.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1103 Before or after breach. A contract may be construed either before or after a breach.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1104 Fiduciaries, beneficiaries and others. Any person interested as or through an executor, administrator, trustee, guardian, conservator or other fiduciary, creditor, devisee, legatee, heir, next of kin or cestui que trust, in the administration of a trust or the estate of a decedent, insolvent, an infant or other person for whom a guardian, or conservator has been appointed, may obtain a declaration of rights or legal relations for any of the following reasons:

1.1104(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others.

1.1104(2) To direct executors, administrators, guardians, conservators, trustees or other fiduciaries, to do or abstain from doing any particular act in their fiduciary capacity.

1.1104(3) To determine any question arising in the administration of the estate, guardianship, conservatorship or trust, including questions of construction of wills and other writings.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1105 Discretionary. The court may refuse to render a declaratory judgment or decree where it would not, if rendered, terminate the uncertainty or controversy giving rise to the proceeding.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1106 Supplemental relief. Supplemental relief based on a declaratory judgment may be granted wherever necessary or proper. The application for relief shall be by petition in the original case. If the court deems the petition sufficient, it shall, on such reasonable notice as it prescribes, require any adverse party whose rights have been adjudicated to show cause why such relief should not be granted.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1107 Review. All orders, judgments or decrees under rules 1.1101 through 1.1106 may be reviewed as other judgments, orders or decrees.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1108 Jury trial. The right of trial by jury shall not be abridged or extended by rules 1.1101 through 1.1107.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1109 "Person." For purposes of this division, "person" shall include any individual or entity capable of suing or being sued under the laws of Iowa.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1110 to **1.1200** Reserved.

DIVISION XII

Rules 1.1201 to **1.1300** Reserved.

COMMENT: Division XII Rules 1.1201 through 1.228, Partition of Real and Personal Property, are rescinded effective July 1, 2018. Beginning July 1, 2018, all partition procedures are contained in Iowa Code chapter 651. 2018 Iowa Acts, ch 1108 (Senate File 2175). [Court Order May 21, 2018, effective July 1, 2018]

DIVISION XIII
QUO WARRANTO

Rule 1.1301 For what causes. A civil action in the nature of quo warranto, triable by equitable proceedings, may be brought in the name of the state against any defendant who is any of the following:

1.1301(1) Unlawfully holding or exercising any public office or franchise in Iowa, or an office in any Iowa corporation.

1.1301(2) A public officer who has done or suffered to be done, an act which works a forfeiture of the office.

1.1301(3) Acting as a corporation in Iowa without being authorized by law so to act.

1.1301(4) A corporation exercising powers not conferred by law, or doing or omitting acts, which work a forfeiture of its corporate rights or privileges.

1.1301(5) A person or corporation claiming under a patent, permit, certificate of convenience and necessity or license of any nature which was granted by the state because of fraud, or mistake or ignorance of a material fact, or the terms of which have expired or been violated by the defendant, or which the defendant has in any manner forfeited. The action in such cases shall be to annul or vacate the patent, permit, certificate or license in question.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1302 By whom brought.

1.1302(1) The county attorney of the county where the action lies has discretion to bring the action, but must do so when directed by the governor, general assembly or the supreme or district court, unless the county attorney may be a defendant, in which event the attorney general may, and shall when so directed, bring the action.

1.1302(2) If on demand of any citizen of the state, the county attorney fails to bring the action, the attorney general may do so, or such citizen may apply to the court where the action lies for leave to bring it. On leave so granted, and after filing bond for costs in an amount fixed by the court, with sureties approved by the clerk, the citizen may bring the action and prosecute it to completion.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1303 No joinder or counterclaim. In such action there shall be no joinder of any other claim, and no counterclaim.

[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1304 Petition. The petition shall state the grounds on which the action is brought, and if it involves an office, franchise or right claimed by others than the defendant, it shall name them; and they may be made parties.

[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1305 Judgment.

1.1305(1) The judgment shall determine all rights and claims of all parties respecting the matters involved, and shall include any provision necessary to enforce their rights as so determined, or to accomplish the objects of the decision.

1.1305(2) The judgment shall also determine which party, if any, is entitled to hold any office in controversy.

1.1305(3) If a party is unlawfully holding or exercising any office, franchise or privilege, or if a corporation has violated the law by which it exists or been guilty of any act or omission which amounts to a surrender or forfeiture of its privileges, the judgment shall remove the party from office or franchise, or forfeit the privilege, and forbid the party to exercise or use any such office, franchise or privilege.

1.1305(4) If a party has merely exercised powers or privileges to which that party was not entitled, but which does not warrant forfeiture under the law, the judgment shall prohibit that party from the further exercise thereof.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1306 Costs.
1.1306(1) Judgment against any defendant or intervenor shall include judgment for the costs of the action. Judgment against a pretended corporation shall assess the costs against the person or persons acting as such.
1.1306(2) If the action fails, the court may assess the costs against any private individual who brought it; otherwise they shall be paid as provided by the statutes governing costs in criminal cases.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1307 Corporation dissolved. If the judgment dissolves a corporation, the court shall make appropriate orders for the dissolution as provided by the statutes in force.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1308 to **1.1400** Reserved.

DIVISION XIV
CERTIORARI

Rule 1.1401 Certiorari petition. A party may commence a certiorari action when authorized by statute or when the party claims an inferior tribunal, board, or officer, exercising judicial functions, or a judicial magistrate exceeded proper jurisdiction or otherwise acted illegally.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1402 Procedure.
1.1402(1) *Title.* The petition shall be captioned in the name of the petitioner as plaintiff, against the inferior tribunal, board or officer as defendant.
1.1402(2) *Nature of proceeding.* The action shall be by ordinary proceedings, so far as applicable.
1.1402(3) *Time for filing.* The petition must be filed within 30 days from the time the tribunal, board or officer exceeded its jurisdiction or otherwise acted illegally. An extension of such time, however, may be allowed by the reviewing court upon a showing that failure to file the petition within the time provided was due to a failure of the tribunal, board or officer to notify the petitioner of the challenged decision. Any motion for extension of time shall be filed with the clerk of the court in which the writ of certiorari is sought within 90 days of the challenged decision. The motion and any resistance may be supported by copies of relevant portions of the record of the proceedings being challenged, and by affidavits, and no other form of evidence will be received.
[Report 1943; amendment 1973; amended July 18, 1984, effective September 17, 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1403 Other remedies. The writ shall not be denied or annulled because plaintiff has another plain, speedy or adequate remedy; but the relief by way of certiorari shall be strictly limited to questions of jurisdiction or the legality of the challenged acts, unless otherwise provided by statute.
[Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1404 The writ. A district court judge may order the issuance of a writ to an inferior tribunal, board, or officer, or to a judicial magistrate. The writ shall be issued by the clerk of the court where the petition is filed, under its seal. It shall command the defendant to certify to that court, at a specified time and place, a transcript of so much of the defendant's records and proceedings as are pertinent to the petition, together with the facts of the case, described with reasonable certainty.
[Report 1943; Report 1978; effective July 1, 1979; amendment 1982; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1405 Stay, bond. The court may stay the original proceedings even though no stay is requested. If the court grants the plaintiff's request for a stay, the stay may be conditioned upon the plaintiff's filing of a bond with penalty and conditions, including security for costs, as prescribed by the court and with sureties approved by the court or the clerk.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1406 Notice of issuing writ. The court may issue the writ without notice upon the filing of the petition, or it may fix a time and place for hearing and prescribe reasonable notice to the defendant. If the petition is filed before a final order or decree in the original proceeding or if the plaintiff seeks a stay, the court shall fix a time and place for hearing and prescribe reasonable notice to the defendant before issuing the writ. Any hearing shall be confined to the sufficiency of the petition, what records or proceedings shall be certified, and the terms of any bond to be given.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1407 Service of writ. The writ shall be served by a sheriff or deputy sheriff, unless the defendant accepts service of the writ. If the writ is issued to a magistrate, service shall be on the magistrate or clerk of that court; if issued to a board or other tribunal, it shall be served on its secretary, clerk, or any member. Service shall be by delivery of the original writ. A copy, with return of service, shall be returned to the clerk of the court issuing the writ.
[Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1408 Return to writ, by whom. If the writ is issued to a magistrate, the return shall be made and signed by the magistrate whose decision is challenged, if practicable, otherwise by the clerk of that court. If issued to an officer, the officer shall make and sign the return. If issued to a board or tribunal, the return shall be made and signed by its presiding officer, clerk, or secretary.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1409 Defective return. If the return is defective, the court issuing the writ, on the court's own motion or that of any party, may order a further return. The court may compel obedience to the writ or to such order by attachment or citation for contempt.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1410 Hearing. When full return has been made, the court shall fix a time and place for hearing. In addition to the record made by the return, the court may receive any transcript or recording of the original proceeding and such other oral or written evidence explaining the matters contained in the return. Unless otherwise specially provided by statute, such transcript, recording, or additional evidence shall be considered only to determine the legality of the proceedings or the sufficiency of the evidence before the original tribunal, board, officer, or magistrate.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1411 Judgment. Unless otherwise provided by statute, the judgment on certiorari shall be limited to annulling the writ or to sustaining it, in whole or in part, to the extent the proceedings below were illegal or in excess of jurisdiction. The judgment shall prescribe the manner in which either party may proceed, and shall not substitute a different or amended decree or order for that being reviewed.
[Report 1943; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rule 1.1412 Appeal. An appeal from an order or judgment of the district court in a certiorari proceeding is governed by the rules of appellate procedure applicable to appeals in ordinary civil actions. An appeal is discretionary when the order or judgment sought to be reviewed is itself a discretionary review of another tribunal, board, officer, or magistrate.
[Report 1943; December 28, 1993, effective March 1, 1994; November 9, 2001, effective February 15, 2002; October 31, 2008, effective January 1, 2009]

Rules 1.1413 to **1.1500** Reserved.

DIVISION XV
INJUNCTIONS

Rule 1.1501 Independent or auxiliary remedy. An injunction may be obtained as an independent remedy by an action in equity, or as an auxiliary remedy in any action. In either case, the party applying therefor may claim damages or other relief in the same action. An injunction may be granted as part of the judgment; or may be granted by order at any prior stage of the proceedings, and is then known as a temporary injunction.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1502 Temporary; when allowed. A temporary injunction may be allowed under any of the following circumstances:

1.1502(1) When the petition, supported by affidavit, shows the plaintiff is entitled to relief which includes restraining the commission or continuance of some act which would greatly or irreparably injure the plaintiff.

1.1502(2) Where, during the litigation, it appears that a party is doing, procuring or suffering to be done, or threatens or is about to do, an act violating the other party's right respecting the subject of the action and tending to make the judgment ineffectual.

1.1502(3) In any case specially authorized by statute.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1503 Endorsing refusal. A court, or justice of the supreme court, refusing a temporary injunction shall endorse the refusal on the petition therefor.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1504 Statement re prior presentation. A petition seeking a temporary injunction shall state, or the attorney shall certify thereon, whether a petition for the same relief, or part thereof, has been previously presented to and refused by any court or justice, and if so, by whom and when.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rule 1.1505 Place for filing. A request for a temporary injunction shall be filed in the county where the action is, or will be, pending.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1506 By whom granted. A temporary injunction may be granted by any of the following:

1.1506(1) A judge of the district in which the action is or will be pending.

1.1506(2) The supreme court or a justice thereof.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1507 Notice. Before granting a temporary injunction, the court may require reasonable notice of the time and place of hearing therefor to be given the party to be enjoined. When the applicant is requesting that a temporary injunction be issued without notice, applicant's attorney must certify to the court in writing either the efforts which have been made to give notice to the adverse party or that party's attorney or the reason supporting the claim that notice should not be required. Such notice and hearing must be had for a temporary injunction or stay of agency action pursuant to Iowa Code section 17A.19(5), to stop the general and ordinary business of a corporation, or action of an agency of the state of Iowa, or the operations of a railway or of a municipal corporation, or the erection of a building or other work, or the board of supervisors of a county, or to restrain a nuisance.
[Report 1943; amended October 9, 1984, effective December 8, 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1508 Bond. The order directing a temporary injunction must require that before the writ issues, a bond be filed, with a penalty to be specified in the order, which shall be 125 percent of the probable liability to be incurred. Such bond with sureties to be approved by the clerk shall be conditioned to pay all damages which may be adjudged against the petitioner by reason of the injunction. But in actions for dissolution of marriage, separate maintenance, annulment of marriage,

or domestic abuse, the court in its discretion may waive any bond, or fix its penalty in any amount deemed just and reasonable.
[Report 1943; Report 1978, effective July 1, 1979; amendment 1981; November 9, 2001, effective February 15, 2002]

Rule 1.1509 Hearing to dissolve temporary injunction. A party against whom a temporary injunction is issued without notice may, at any time, move the court where the action is pending to dissolve, vacate or modify it. Such motion shall be submitted to that court. A hearing shall be held within ten days after the filing of the motion.
[Report 1943; amendment 1984; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

COMMENT ON AMENDMENTS TO RULES 1.1505, 1.1506, 1.1507, AND 1.1509: Concern has been raised regarding the issuance of temporary injunctions without a hearing or notice to the adverse party, and the subsequent difficulty in scheduling a hearing to dissolve, vacate or modify the injunction. The amendment to rule 1.1507 puts the burden upon the applicant to certify that he or she has either made an attempt to provide notice or has legitimate reasons for not providing notice. The amendment to rule 1.1509 provides once the temporary injunction has been issued, the adverse party may then file a motion to dissolve, vacate or modify the injunction, which shall be heard within ten days. This puts the burden upon the adverse party to request the hearing.

Rule 1.1510 Enjoining proceedings or judgment; venue; bond. An action seeking to enjoin proceedings in a civil action, or on a judgment or final order, must be brought in the county and court where such proceedings are pending or such judgment or order was obtained, unless that be the supreme court, in which case the action must be brought in the court from which appeal was taken. Any bond in such action must be further conditioned to pay or comply with such judgment or order, or to pay any judgment that may be recovered against the petitioner on the claim enjoined.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1511 Violation as contempt. Violation of any provision of any temporary or permanent injunction shall constitute contempt and be punished accordingly.
[Report 1943; November 9, 2001, effective February 15, 2002]

Rules 1.1512 to **1.1600** Reserved.

DIVISION XVI
PROCEEDINGS FOR JUDICIAL REVIEW OF AGENCY ACTION

Rule 1.1601 Applicability of rules. Except to the extent that they are inconsistent with any provision of the Iowa Administrative Procedure Act, Iowa Code chapter 17A, or with the rules specifically set forth in this division, the rules of civil procedure shall be applicable to proceedings for judicial review of agency action brought under that Act.
[Report 1980; November 9, 2001, effective February 15, 2002]

Rule 1.1602 Time for motion or answer. Respondent shall, within 20 days from the date of personal service or mailing of a petition for judicial review under Iowa Code section 17A.19(2), serve upon petitioner and all others upon whom the petition is required to be served, and within a reasonable time thereafter file a motion or answer.
[Report 1980; amendment 1984; Report April 30, 1987, effective July 1, 1987; November 9, 2001, effective February 15, 2002]

Rule 1.1603 Contested case proceedings; intervention; schedule. In proceedings for judicial review of agency action in a contested case pursuant to Iowa Code section 17A.19:

1.1603(1) An intervenor may join with petitioner or respondent or claim adversely to both.

1.1603(2) Upon request of any party the reviewing court shall, or upon its own motion may, establish a schedule for the conduct of the proceeding.
[Report 1980; November 9, 2001, effective February 15, 2002; Court Order September 14, 2017, temporarily effective September 14, 2017, permanently effective November 14, 2017]

Rules 1.1604 to **1.1700** Reserved.

DIVISION XVII
SUBPOENAS

Rule 1.1701 Subpoena.

1.1701(1) *Form and contents.*

a. Requirements. Every subpoena must:

(1) State the court from which it issued;

(2) State the title of the action and its docket number;

(3) Command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises; and

(4) Set out the text of rules 1.1701(4) and 1.1701(5).

b. Command to attend a deposition; notice of the recording method. A subpoena commanding attendance at a deposition must state the method for recording the testimony.

c. Combining or separating a command to produce or to permit inspection; specifying the form for electronically stored information. A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.

d. Command to produce; included obligations. A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding party to permit inspection, copying, testing, or sampling of the materials.

e. Forms for subpoenas. Subpoena forms can be found in rule 1.1901, Form 13, 14 and 15.

1.1701(2) *Issued by whom.* The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. A request may be made either orally or in writing. An attorney licensed or otherwise authorized to practice law in Iowa also may issue and sign a subpoena as an officer of the court.

1.1701(3) *Service.*

a. By whom; tendering fees; serving a copy of certain subpoenas. Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance and, if demanded, tendering the fees for one day's attendance and traveling fees to and from the court. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.

b. Permissible place of service. A subpoena may be served at any place:

(1) Within the state of Iowa;

(2) That the court authorizes on motion and for good cause, if a statute so provides.

c. Proof of service. Proving service, when necessary, requires filing with the issuing court a statement showing the date and manner of service and the names of persons served. The server must certify the statement in accordance with Iowa Code section 622.1.

1.1701(4) *Protecting a person subject to a subpoena.*

a. Avoiding undue burden or expense; sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

b. Command to produce materials or permit inspection.

(1) *Appearance not required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(2) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

1. At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

2. These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

c. Attendance. Any party shall be permitted to attend at the same time and place and for the same purposes specified in the subpoena. No prior notice of intent to attend is required.

d. Quashing or modifying a subpoena.

(1) *When required.* On timely motion, the issuing court must quash or modify a subpoena that:

1. Fails to allow a reasonable time to comply;

2. Requires a person who is neither a party nor a party's officer to travel more than 50 miles from where that person resides, is employed, or regularly transacts business in person, except that a person may be ordered to attend trial anywhere within the state in which the person is served with a subpoena;

3. Requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

4. Subjects a person to undue burden.

(2) *When permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

1. Disclosing a trade secret or other confidential research, development, or commercial information; or

2. Disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

3. A person who is neither a party nor a party's officer to incur substantial expense to travel more than 50 miles to attend trial.

(3) *Specifying conditions as an alternative.* In the circumstances described in rule 1.1701(4)(*d*)(2), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

1. Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

2. Ensures that the subpoenaed person will be reasonably compensated.

1.1701(5) *Duties in responding to a subpoena.*

a. Producing documents or electronically stored information. These procedures apply to producing documents or electronically stored information:

(1) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(2) *Form for producing electronically stored information not specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(3) *Electronically stored information produced in only one form.* The person responding need not produce the same electronically stored information in more than one form.

(4) *Inaccessible electronically stored information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of rule 1.504(1)(*b*). The court may specify conditions for the discovery.

b. Claiming privilege or protection.

(1) *Information withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

1. Expressly make the claim; and

2. Describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(2) *Information produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not

use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

1.1701(6) *Duties of issuer of subpoena; producing copies of materials obtained by subpoena.* When a party on whose behalf a subpoena under rule 1.1701(1) has been issued thereby creates or obtains copies of designated electronically stored information, books, papers, documents or tangible things, that party shall make available a duplicate of such copies at the request of any other party, who shall be responsible for payment of the reasonable cost of making the copies.

1.1701(7) *Contempt.* The issuing court may hold in contempt a person who, having been served and if necessary been provided fees and traveling expenses allowed by law, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of rule 1.1701(4)(*d*)(1)2.

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002; February 14, 2008, effective May 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.1702 Uniform interstate depositions and discovery.

1.1702(1) *Definitions.* In this rule:

a. "Foreign jurisdiction" means a state other than Iowa.

b. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

c. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

d. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

e. "Subpoena" means a document, however denominated, issued under authority of a court of record of Iowa requiring a person to:

(1) Attend or give testimony at a deposition;

(2) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

(3) Permit inspection of premises under the control of the person.

1.1702(2) *Issuance of subpoena.*

a. To obtain issuance of a subpoena under this rule, a party to a proceeding in a foreign jurisdiction must either:

(1) request a signed, blank subpoena from the clerk of an Iowa court in the county in which discovery is to be conducted pursuant to rule 1.1701(2); or

(2) arrange for an attorney who is retained by that party and who is licensed or otherwise authorized to practice law in Iowa to issue and sign the subpoena as an officer of the court pursuant to rule 1.1701(2). Obtaining and completing a subpoena under rule 1.1702 does not constitute an appearance in the courts of this state.

b. When a party submits a foreign subpoena to a clerk of court in this state, the clerk, pursuant to rule 1.1701(2), shall provide the party with a subpoena that is signed but otherwise blank.

c. A subpoena under this rule must:

(1) Comply with rule 1.1701(1), provided, however, that for purposes of rule 1.1701(1)(a)(1), the Iowa court, in the county in which discovery is to be conducted, shall be listed as the court from which the subpoena is issued, and for purposes of rule 1.1701(1)(a)(2), the title of the action and its docket number from the foreign jurisdiction shall be used;

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel; and

(3) Include a copy of the foreign subpoena as an attachment.

d. Form 13 or Form 15 of rule 1.1901 may be used and shall be sufficient under this rule, so long as the form includes the information required by rule 1.1702(2)(c), and a copy of the foreign subpoena is attached as required by rule 1.1702(2)(c)(3).

1.1702(3) *Service of subpoena.* A subpoena issued under rule 1.1702(2) must be served in compliance with rule 1.1701(3).

1.1702(4) *Deposition, production, and inspection.* Rule 1.1701(4)-(7) applies to subpoenas issued under rule 1.1702(2).

1.1702(5) *Court file and docket number.* An attorney may issue a subpoena without an Iowa court file being opened or a docket number assigned. If action is taken pursuant to rule 1.1702(2)(b), the clerk shall open a court file and collect a $50 fee. If action is taken pursuant to rule 1.1702(6) and a file has not previously been opened, the clerk shall open a file and collect a $50 fee.

1.1702(6) *Motion to court.* A motion to the court for a protective order or to enforce, quash, or modify a subpoena issued under rule 1.1702(2) must comply with the rules or statutes of this state and be submitted to the court in the county in which discovery is to be conducted. Any fee paid in connection with the filing of a motion under rule 1.1702(6) shall be recoverable by the successful party against the losing party. In addition, the provisions of rule 1.517 apply to motions brought under this rule. An attorney who files such a motion or a resistance thereto must be eligible to appear in the courts of Iowa.
[Report December 6, 2012, effective February 4, 2013]

Rules 1.1703 to **1.1800** Reserved.

DIVISION XVIII
RULES OF A GENERAL NATURE

Rule 1.1801 Computing time; holidays. In computing time under these rules, the provisions of Iowa Code section 4.1, subsection 34, shall govern.
[Report 1943; amendment 1967; November 9, 2001, effective February 15, 2002]

Rule 1.1802 Death, retirement or disability of judge.

1.1802(1) In the event of the death or disability of a judge in the course of a proceeding at which the judge is presiding, or while a motion for new trial or for judgment notwithstanding the verdict, or for other relief, is pending, any other judge of the district may hear or act upon the same, and, if in the judge's opinion the judge can proceed with the matter or determine the motion the judge shall do so; otherwise, the judge may order a continuance, declare a mistrial, order a new trial of all or any of the issues, or make such disposition of the matter as the situation warrants.

1.1802(2) In the event of the death or disability of a judge who has under advisement an undecided motion, or case tried without a jury, any other judge of the district may be called in, or a judge from another district may be appointed by the chief justice of the supreme court to consider the same, and, if by a review of the transcript or a reargument the judge can, in the judge's opinion, become sufficiently informed to render a decision, the judge shall do so; otherwise the judge may order a continuance, declare a mistrial, or order a new trial of all or any of the issues, or direct the recalling of any witnesses, or make such disposition of the matter as the situation warrants.

1.1802(3) In the event of the death, disability or retirement of a judge before the record for appeal in any case tried by the judge is settled, the record shall be settled by another judge of the district, or by a judge of another district appointed for that purpose by the chief justice of the supreme court.
[Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1803 Appeal to district court from administrative body. Where appeal to the district court from an action or decision of any officer, body or board is provided for by statute and the statute does not provide for the formulation of the issues either before such officer, body or board, or in the district court, the appellant shall file a petition in the district court within ten days after perfecting the appeal, or within such time as may be prescribed by the court. The appellee shall file motion or an answer to such petition within 20 days thereafter, or within such further time as may be prescribed by the court. Thereafter the rules of pleading and procedure in actions in the district court shall be applicable.
[Report 1943; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1804 Effect of notice by posting. Notice by posting shall not have legal effect except where expressly authorized by statute.
[Report 1943; amendment 1945; amendment 1973; November 9, 2001, effective February 15, 2002]

Rule 1.1805 General provisions, comments and footnotes.

1.1805(1) The past, present and future tense shall each include the others; the masculine, feminine and neuter gender shall include the others; and the singular and plural number shall each include the other.

1.1805(2) Rule and subrule headings do not in any manner affect the scope, meaning or intent of the provisions of the rules in this chapter.

1.1805(3) All references to sources, comments, and footnotes are incorporated solely for convenience in the use of the rules and do not form a part thereof.

[Report 1943; amendment 1961; November 9, 2001, effective February 15, 2002]

Rule 1.1806 Rules by trial courts. Each district court, by action of a majority of its district judges, may from time to time make and amend rules governing its practice and administration not inconsistent with these rules. All such rules or changes shall be subject to prior approval of the supreme court.

[Report 1961; amendment 1969; amendment 1979; December 28, 1989, effective July 2, 1990; November 9, 2001, effective February 15, 2002]

Rule 1.1807 Purpose of administrative rules. The purpose of all rules for court administration shall be to provide for the administration of justice in an orderly, efficient and effective manner, in accordance with the highest standards of justice and judicial service.

[Report 1969; November 9, 2001, effective February 15, 2002]

Rules 1.1808 to **1.1900** Reserved.

DIVISION XIX
FORMS

Rule 1.1901 Forms. The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure.

[Report 1976; Report 1978, effective July 1, 1979; amendment 1979; November 9, 2001, effective February 15, 2002]

APPENDIX OF FORMS

Rule 1.1901 — Form 1: *Form of Original Notice for Personal Service*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s), PIN	No. _____
vs.	_____ (INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	**ORIGINAL NOTICE**

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorney for the plaintiff(s) is _____, whose address is _____, Iowa _____. That attorney's telephone number is _____; facsimile number _____.

You must serve a motion or answer within 20 days after service of this original notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for _____ County, at the county courthouse in _____, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

(SEAL)

_____
CLERK OF COURT
_____ County Courthouse
_____, Iowa _____

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 2: ***Form of Original Notice Against a Nonresident Motor Vehicle Owner or Operator Under Iowa Code Section 321.500***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s), PIN	No. _____
vs.	_____ (INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	**ORIGINAL NOTICE**

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorney for the plaintiff(s) is _____, whose address is _____, Iowa _____. That attorney's telephone number is _____; facsimile number _____.

You must serve a motion or answer within 60 days following the filing of this notice with the director of transportation of this state, and within a reasonable time thereafter, file your motion or answer with the Clerk of Court for _____ County, at the county courthouse in _____, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

(SEAL)

_____
CLERK OF COURT
_____ County Courthouse
_____, Iowa _____

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; amendment 1984; Report April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 3: ***Form of Original Notice Against Foreign Corporation or Nonresident Under Iowa Code Section 617.3***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s), PIN	No. _____
vs.	_____ (INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	**ORIGINAL NOTICE**

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorney for the plaintiff(s) is _____, whose address is _____, Iowa _____. That attorney's telephone number is _____; facsimile number _____.

You must serve a motion or answer within 60 days following the filing of this notice with the secretary of state of the State of Iowa, and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for _____ County, at the county courthouse in _____, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

(SEAL)

_____
CLERK OF COURT
_____ County Courthouse
_____, Iowa _____

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 4: ***Form of Original Notice for Publication***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s), PIN	No. _____
vs.	_____ (INSERT "LAW" OR "EQUITY")
Defendant(s), PIN	**ORIGINAL NOTICE**

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as a defendant in this action, which petition prays[1] _____. The attorney for the plaintiff(s) is _____, whose address is _____, Iowa _____. That attorney's telephone number is _____; facsimile number _____.

You must serve a motion or answer on or before the[2] _____ day of _____, 20 ____, and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for _____ County, at the courthouse in _____, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

(SEAL)

_____
CLERK OF COURT
_____County Courthouse
_____, Iowa _____

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

[Report 1976; Report 1978, effective July 1, 1979; amendment 1979; Report April 3, 1986, effective July 1, 1986; April 30, 1987, effective July 1, 1987; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

---

[1] Here make a general statement of the claim or claims and, subject to the limitation in Iowa R. Civ. P. 1.403(1), the relief demanded (Iowa R. Civ. P. 1.302(1)).
[2] Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Iowa R. Civ. P. 1.303).

Rule 1.1901 — Form 5: ***Directions for Service of Original Notice***

COMPLETE ONE OF THESE DIRECTIONS FOR EACH INDIVIDUAL, COMPANY, CORPORATION, ETC., TO BE SERVED.

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Sheriff _____ County OR TO: _____

_____ Courthouse _____

_____, Iowa _____

Serve: _____

At: _____

ON COMPLETION OF SERVICE NOTIFY: _____

Special Instructions or Information Relating to Service: _____

_____

_____

NAME AND SIGNATURE OF ATTORNEY

OR OTHER ORIGINATOR: _____

BY:

DATE: _____ TELEPHONE NO. _____

DEPOSIT FOR COST OF SERVICE

☐ Deposit Waived

☐ Deposit for $ _____ required and receipt thereof acknowledged.

_____

Clerk of Court

[Report 1976; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 6: ***Final Pretrial Order***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s) vs. Defendant(s)	No. _____ **FINAL PRETRIAL ORDER**

FOLLOWING THE FINAL PRETRIAL CONFERENCE IT IS ORDERED:

1. The following facts are undisputed:
   [list facts not in dispute]

2A. The following exhibits are received without objection:

2B. The following exhibits are subject to objection to be made at trial:

3. The legal issues to be tried are:
   [list theories of recovery or defense]

4. The factual issues to be tried are:
   [list the principal factual disputes and specifications of negligence or fault asserted by each party if applicable]

5. Requested instructions, motions in limine, and trial briefs shall be filed by _____

6. Trial will commence at _____ _____.m. on _____

7. It is further ordered that:
   [list other matters which the court desires to include]

_____

Judge for the _____ Judicial
District of Iowa

[Report May 28, 1987, effective August 3, 1987; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 7: ***Dissolution of Marriage Affidavit of Financial Status***

The clerk of district court shall furnish without charge to parties in a dissolution of marriage action the following form of affidavit of financial status which includes the statement of net worth required by Iowa Code section 598.13, and other information deemed pertinent when a party is seeking or resisting alimony or support allowances.

In the Iowa District Court for _____County
County where you are filing

In Re the Marriage of _____ *Full name: first, middle, last* **Petitioner** **vs.** _____ *Full name: first, middle, last* **Respondent**	**Dissolution of Marriage** **Affidavit of Financial Status**

I, _____, the *Check one*

☐ Petitioner ☐ Respondent

in the above-entitled matter, being first duly sworn, state the following is a true and complete statement of my assets and liabilities, under Division I (and my present income under Division II, if applicable) as of the _____ day of _____, 20_____.
(To be signed on page 4.)

Division I – Net Worth Statement

(Required in all dissolution cases § 598.13)

1. Assets *Attach additional sheets, if necessary*

A. Real estate *If other, describe*

	Description	P, R, J	Market Value	Encumbrance	Net Value
(1)	Homestead		$	$	$
(2)			$	$	$
(3)			$	$	$

B. Vehicles *Make and year. Includes cars, trucks, motorcycles, and other motorized vehicles*

(1)			$	$	$
(2)			$	$	$
(3)			$	$	$

C. Life insurance *Cash Value*

(1)			$	$	$
(2)			$	$	$
(3)			$	$	$

Rule 1.1901—Form 7: *Dissolution of Marriage Affidavit of Financial Status*, continued

D. Securities, stocks, & bonds

	Description	P, R, J	Market Value	Encumbrance	Net Value
(1)	_____	_____	$_____	$_____	$_____
(2)	_____	_____	$_____	$_____	$_____
(3)	_____	_____	$_____	$_____	$_____

E. Cash & bank accounts
Bank or Credit Union name. If you do not use bank accounts, write "Cash" in the description.

(1)	_____	_____	$_____	$_____	$_____
(2)	_____	_____	$_____	$_____	$_____
(3)	_____	_____	$_____	$_____	$_____

F. Household contents

(1)	_____	_____	$_____	$_____	$_____
(2)	_____	_____	$_____	$_____	$_____
(3)	_____	_____	$_____	$_____	$_____

G. Other assets *Itemize*

(1)	_____	_____	$_____	$_____	$_____
(2)	_____	_____	$_____	$_____	$_____
(3)	_____	_____	$_____	$_____	$_____

H. Total assets

Total	$_____	$_____	$_____

2. Other Debts

	Description	Net Value
A.	_____	$_____
B.	_____	$_____
C.	_____	$_____
D.	_____	$_____
	Total	$_____

3. Net Worth

Total assets	$ _____
Total debts	$ _____
Net worth *Total assets minus total debts*	$ _____

Division II – Current Income and Expense Information

(To be completed by all parties seeking or resisting alimony or support allowances)

1. **Income source** *Including ADC and other support payments*

	Gross		Deductions Frequency *see below*		Net Income
A. _____	$_____	per	_____	$_____	$_____
B. _____	$_____	per	_____	$_____	$_____
C. _____	$_____	per	_____	$_____	$_____
				Total	$_____

Deductions Explained *Specify income source (a), (b), (c), etc.*

Income Source					
_____	$_____	per	_____	for	_____
_____	$_____	per	_____	for	_____
_____	$_____	per	_____	for	_____

2. **Affiant's estimate of other spouse's income** *Including ADC and other support payments*

	Gross		Frequency *see below*		Net Income
A. _____	$_____	per	_____	$_____	$_____
B. _____	$_____	per	_____	$_____	$_____
C. _____	$_____	per	_____	$_____	$_____
				Total	$_____

Deductions Explained *Specify income source (a), (b), (c), etc.*

Income Source					
_____	$_____	per	_____	for	_____
_____	$_____	per	_____	for	_____
_____	$_____	per	_____	for	_____

3. **Residential Arrangement**

Are both spouses living in the same dwelling? ☐ Yes ☐ No

If there are children, which spouse or other person has physical care of the children?

_____ _____
First name *Last name*

Where do the children reside? ☐ In the family dwelling ☐ Elsewhere

4. Personal expenses for Support of Affiant (and ___ children)

Note: Report all expenses uniformly either weekly or monthly

A. House payment or rent	$_____	per	_____
B. Meals or food	$_____	per	_____
C. Clothing	$_____	per	_____
D. Car expense, transportation	$_____	per	_____
E. Medical, dental	$_____	per	_____
F. Utilities and phone	$_____	per	_____
G. Other expenses:	$_____	per	_____
H. _____	$_____	per	_____
I _____	$_____	per	_____
		Total of Subdivision 4	$_____
J. Affiant requests:	$_____	per	_____ as child support
	$_____	per	_____ as temporary spousal support (alimony)
	$_____	per	_____ as temporary attorney fees

Oath and Signature of Applicant

I, _____, have read this Affidavit, and I
Print full name of party completing this document

certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Affidavit is true and correct.

_____ _____, 20____ _____
Month *Day* *Year* *Affiant's signature**

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Phone number *Email address* *Additional email address, if applicable*

**Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

[Court Order June 26, 1980; July 10, 1980; July 27, 1984; Letter of request to correct total line of Division II, D by substituting "D" for "B," February 22, 1991; November 9, 2001, effective February 15, 2002; March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 1.1901 — Form 8: *Financial Affidavit and Application for Appointment of Counsel*

In the Iowa District Court for _____ County

State of Iowa or _____, **Plaintiff/Petitioner,** **vs.** **_____,** **Defendant/Respondent.**	)))))))	**No. _____** **Financial Affidavit and Application for Appointment of Counsel**

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Pending charges: _____. In jail? ❑ Yes ❑ No

Do you have a job? ❑ No job ❑ Yes, full time ❑ Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per ❑ hour ❑ month ❑ year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per ❑ hour ❑ month ❑ year

List all other money you, and anyone else living in your household, has coming in: _____
_____
_____
_____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than $100: _____
_____
_____
_____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____
_____
_____
_____

I understand I may be required to repay the state for all or part of my attorney fees and costs, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date_____ Signature _____

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 8A: *Order for Appointment of Counsel*

In the Iowa District Court for _____ County

State of Iowa or _____,	)	**No. _____**
Plaintiff/Petitioner,	)	
	)	**Order for Appointment of Counsel**
vs.	)	
_____,	)	
Defendant/Respondent.	)	

Now on this _____ day of _____, 20___, the court having received and examined Defendant's Financial Affidavit and Application for Appointment of Counsel and having considered not only Defendant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. **Defendant:**
   - ❑ Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
     - ❑ Defendant's income is **at or below 125%** of the poverty guidelines and Defendant is unable to pay for the cost of an attorney; **or**
     - ❑ Defendant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Defendant substantial financial hardship; **or**
     - ❑ Defendant's Income is **over 200%** of the poverty guidelines, Defendant is charged with a felony, and not appointing counsel would cause Defendant substantial financial hardship.
   - ❑ Is not eligible for court-appointed counsel pursuant to Iowa Code section 815.9.
2. **Counsel** appointed below to represent Defendant is:
   - ❑ The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
   - ❑ An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
     - ❑ Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
     - ❑ Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
     - ❑ Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Defendant's Application for Appointment of Counsel is

- ❑ Denied.
- ❑ Approved, and that _____ is appointed to represent Defendant in this case at State expense and may be contacted at _____.

_____
Judge, _____ Judicial District

Copy to:

***Note**: In a parole revocation proceeding, the appointment order must include additional specific findings. *See* Iowa Code § 908.2A(1)(c); Iowa Administrative Code 493—12.2(1)"b"(2) . **Do not use this form for parole revocation appointments.**

[Report November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 9: ***Financial Affidavit of Parent and Application for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other***

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Financial Affidavit of Parent and Application**
_____,	)	**for Appointment of Counsel for**
	)	**❑ Child ❑ Parent ❑ Other:** _____
Child(ren).	)	
	)	

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Case: ❑ CINA ❑ TPR ❑ Del ❑ Other: _____ Relationship to Child(ren): ❑ Parent ❑ Other: _____

Do you have a job? ❑ No job ❑ Yes, full time ❑ Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per ❑ hour ❑ month ❑ year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per ❑ hour ❑ month ❑ year

List all other money you, and anyone else living in your household, has coming in: _____
_____
_____
_____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than $100: _____
_____
_____
_____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____
_____
_____
_____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date: _____ Signature _____

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; April 11, 2008, effective July 1, 2008; June 26, 2008, effective September 1, 2008; November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 9A: *Order for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other*

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Order for Appointment**
	)	**of Counsel for**
_____,	)	❑ **Child** ❑ **Parent** ❑ **Other:** _____
Child(ren).	)	

Now on this _____ day of _____, 20___, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only the Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. **Child/Applicant:**
   - ❑ Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
     - ❑ Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
     - ❑ Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
     - ❑ Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
   - ❑ Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
   - ❑ Is not eligible for court-appointed counsel.
2. **Counsel/guardian ad litem** appointed below to represent Child/Applicant is:
   - ❑ The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code § 13B.4(2) to represent indigent persons in this type of case in this county; **or**
   - ❑ An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
     - ❑ Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
     - ❑ Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
     - ❑ Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- ❑ Denied.
- ❑ Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

_____
Judge, _____ Judicial District

Copy to:

***Note**: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. *See* Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. **Do not use this form order for 600A TPR Appointments.**

[Report November 8, 2012, effective January 7, 2013]

Rule 1.1901 — Form 10: ***Form of Notice of Intent to File Written Application for Default***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s), vs. Defendant(s).	No. _____ **NOTICE OF INTENT TO FILE WRITTEN APPLICATION FOR DEFAULT**

TO: (defendant)

DATE OF NOTICE: (date of mailing)

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD SEEK LEGAL ADVICE AT ONCE.

_____
(Signature of Plaintiff or Attorney)

_____
(Address)

_____
(Telephone Number)

[Report October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 1.1901 — Form 11: ***Petition for Termination of Parental Rights and Child Support Obligation***

In the Iowa District Court for _____County
County where you are filing this Petition

In the Matter of the Paternity of	Case no. _____ *Leave blank – Clerk of Court will fill in*
_____ *Full name: first, middle, last*	**Petition for Termination of Parental Rights and Child Support Obligation** Rule 1.1901—Form 11
Child(ren)	
vs.	
_____ *Father's full name: first, middle, last*	
Petitioner	

I, Petitioner, state:

1. In an order dated ___ / ___ / _____, and filed in _____ County, Iowa, (Month Day Year) the court found that I am the established, but not the biological, father of the child(ren) below:

   _____

   _____

   Contrary to my wishes, the court denied my Petition to overcome paternity and continued my child support obligation. A copy of that order is attached.

2. I seek to be relieved of the obligations of parenthood and child support.
3. I request that the court enter an order that terminates my parental rights to the above-named child(ren) and ends my obligation for any and all future child support.
4. Upon filing this Petition, I will serve a copy on the following individuals:
   (a) Any parent who has not joined in this Petition, and
   (b) any person or agency with the right to receive child support for the above-named child(ren).
5. I understand that I must provide proof to the court that I served a copy of this Petition as required in paragraph (4).

WHEREFORE, I ask the court to grant this Petition to terminate my parental rights and to relieve me from any future child support payments.

Oath and Signature of Plaintiff

I, _____, have read this Petition, and I certify under
Print your name
penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Petition is true and correct.

_____ _____, 20____ _____
Month *Day* *Year* *Petitioner's signature**

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Phone number *Email address* *Additional email address, if applicable*

**Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

[Court Order June 26, 1997, temporary rules effective July 1, 1997; June 26, 1997, permanent rules effective September 1, 1997; November 9, 2001, effective February 15, 2002; March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 1.1901 — Form 12: ***Court Reporter Memorandum and Certificate***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

_____ Plaintiff/Petitioner, vs. _____ Defendant/Respondent.	No._____ **COURT REPORTER MEMORANDUM AND CERTIFICATE**

COURT REPORTER MEMORANDUM

(The court reporter shall file this memorandum with the district court clerk.)

Appearances:

For Plaintiff/Petitioner _____

For Defendant/Respondent _____

Other _____

Information required by Iowa Rule of Civil Procedure 1.903(3):

I _____ (*insert name*) am providing the following information as required by Iowa Rule of Civil Procedure 1.903(3):

1. The type of proceeding that was reported:_____
_____

2. The date(s) on which the proceeding occurred:_____
_____

3. The name of the court reporter who reported the proceeding:_____
_____

4. The name of the judge who presided over the proceeding:_____
_____

5. The reporting fee for the proceeding:_____
_____

6. We, the undersigned judge before whom the above-entitled case was tried, and the official court reporter who, by order of the court, reported the same, do hereby certify that the above and foregoing is the report of the whole proceedings upon the trial and/or hearing of the above-entitled cause made and take pursuant to the order and direction of the court,

in accordance with Iowa Code section 624.10.

DATED this ___ day of _____, ___.

_____

(Signature of Court Reporter)

_____

(Signature of Judge)

[Court Order July 31, 2008, effective October 1, 2008; August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 13: *Subpoena Form to Testify at Deposition or Produce Documents*

THE IOWA DISTRICT COURT FOR _____ COUNTY

)	
)	**No. _____**
)	
)	**SUBPOENA TO TESTIFY AT A DEPOSITION**
)	**OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION**
)	

To: _____

☐ **YOU ARE COMMANDED** to appear at the time, date, and place specified below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment:

Place: _____

Date: _____ Time: _____

The deposition will be recorded by this method: _____

☐ You or your representative must also bring with you to the deposition the following books, documents, electronically stored information, or tangible things, and permit their inspection, copying, testing, or sampling of the material:

Form of electronically stored information to be produced: _____

Date: _____

_____
Signature of Clerk of the District Court

OR

_____
Attorney's signature

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired. call Relay Iowa TTY at 1-800-735-2942).

The name, address, e-mail, and telephone number of the attorney representing (*name of party*)_____

_____, who issues or requests this subpoena:

_____

PROOF OF SERVICE

This subpoena for (*name of individual and title, if any*) _____ was received by me on (*date*)_____.

☐ I personally served the subpoena on the individual at (*place*) _____ _____ on (*date*) _____; or

☐ I left the subpoena at the individual's dwelling house or usual place of abode with (*name*) _____ _____, a person residing therein who is at least 18 years old; or

☐ I served the subpoena on (*name of individual*) _____, who is designated by law to accept service of process on behalf of (*name of organization*)_____ _____ on (*date*)_____; or

☐ I returned the subpoena unexecuted because _____; or

☐ Other (*specify*):

WITNESS FEES

☐ No witness fee requested or required under Iowa Code section 622.74.

☐ I have tendered to the witness fees for one day's attendance in the amount of $_____and the mileage allowed by law in the amount of $ _____, for a total of $_____.

My fees are $ _____ for travel and $_____ for services, for a total of $ _____.

I declare under penalty of perjury that this information is true.

Date: _____ _____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons named below and at the address indicated on the ___ day of _____, 20__ by the following method_____ _____:

Name and address of party or attorney: _____

_____
Signature of server

[Court Order August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 14: *Subpoena Form to Testify at Hearing or Trial*

THE IOWA DISTRICT COURT FOR _____ COUNTY

)	
)	**No. _____**
)	
)	**SUBPOENA TO APPEAR AND TESTIFY**
)	**AT A HEARING OR TRIAL IN A CIVIL ACTION**
)	

To: _____

YOU ARE COMMANDED to appear in the Iowa District Court for _____ County at the time, date, and place specified below to testify at a hearing or trial in the above case. When you arrive, you must remain in the court until a judge or court officer allows you to leave. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment:

Place: _____

Date: _____ Time: _____

You must also bring with you the following books, documents, electronically stored information, or tangible things:

Form of electronically stored information to be produced: _____

Date: _____

_____
Signature of Clerk of the District Court

OR

_____
Attorney's signature

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired. call Relay Iowa TTY at 1-800-735-2942).

The name, address, e-mail, and telephone number of the attorney representing (name of party)_____

_____, who issues or requests this subpoena:

_____

PROOF OF SERVICE

This subpoena for (*name of individual and title, if any*) _____ was received by me on (*date*)_____.

☐ I personally served the subpoena on the individual at (*place*) _____ _____ on (*date*) _____; or

☐ I served the subpoena on (*name of individual*) _____, who is designated by law to accept service of process on behalf of (*name of organization*)_____ _____ on (*date*)_____; or

☐ I returned the subpoena unexecuted because _____; or

☐ Other (*specify*):

WITNESS FEES

☐ No witness fee requested or required under Iowa Code section 622.74.

☐ I have tendered to the witness fees for one day's attendance in the amount of $_____and the mileage allowed by law in the amount of $ _____, for a total of $_____.

My fees are $ _____ for travel and $_____ for services, for a total of $ _____.

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons named below and at the address indicated on the ___ day of _____, 20__ by the following method_____ _____:

Name and address of party or attorney: _____

_____
Signature of server

[Court Order August 10, 2009, effective October 9, 2009; July 31, 2020, temporarily effective July 31, 2020, permanently effective October 5, 2020]

Rule 1.1901 — Form 15: *Subpoena Form to Produce Documents or Permit Inspection*

THE IOWA DISTRICT COURT FOR _____ COUNTY

)	
)	**No. _____**
)	
)	**SUBPOENA TO PRODUCE BOOKS, DOCUMENTS,**
)	**ELECTRONICALLY STORED INFORMATION, OR**
)	**TANGIBLE THINGS OR TO PERMIT INSPECTION OF**
)	**PREMISES**

To: _____

☐ **YOU ARE COMMANDED** to produce at the time, date, and place specified below the following books, documents, electronically stored information, or tangible things, and permit their inspection, copying, testing, or sampling of the material:

Place: _____

Date: _____ Time: _____

Form of electronically stored information to be produced: _____

☐ **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated objection or operation on it.

Place: _____

Date: _____ Time: _____

Date: _____

_____
Signature of Clerk of the District Court

OR

_____
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (*name of party*)_____

_____, who issues or requests this subpoena:

_____

PROOF OF SERVICE

This subpoena for (*name of individual and title, if any*) _____ was received by me on (*date*)_____.

☐ I personally served the subpoena on the individual at (place) _____ _____ on (*date*) _____; or

☐ I left the subpoena at the individual's dwelling house or usual place of abode with (*name*) _____ _____, a person residing therein who is at least 18 years old; or

☐ I served the subpoena on (*name of individual*) _____, who is designated by law to accept service of process on behalf of (*name of organization*)_____ _____ on (*date*)_____; or

☐ I returned the subpoena unexecuted because _____; or

☐ Other (*specify*):

WITNESS FEES

☐ No witness fee requested or required under Iowa Code section 622.74.

☐ I have tendered to the witness fees for one day's attendance in the amount of $_____and the mileage allowed by law in the amount of $ _____, for a total of $_____.

My fees are $ _____ for travel and $_____ for services, for a total of $ _____.

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons named below and at the address indicated on the ___ day of _____, 20__ by the following method_____ _____:

Name and address of party or attorney: _____

_____
Signature of server

[Court Order August 10, 2009, effective October 9, 2009]

Rule 1.1901 — Form 16: ***Expedited Civil Action Certification***

In the Iowa District Court for _____ County	
_____ **Plaintiff** *Full name of Plaintiff: first, middle, last* vs. _____ **Defendant** *Full name of Defendant: first, middle, last*	Civil case no._____ **Expedited Civil Action Certification**

Plaintiff, _____, together with Plaintiff's attorney,
Name of Plaintiff

_____, elect to bring this lawsuit as an Expedited
Name of attorney

Civil Action under Iowa Rule of Civil Procedure 1.281.

Plaintiff certifies that the sole relief sought is a money judgment and that all claims (other than compulsory counterclaims) for all damages by or against any one party total $75,000 or less, including damages of any kind, penalties, prefiling interest, and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs.

Plaintiff certifies the following:

1. I am a plaintiff in this action.
2. If I am represented by an attorney, I have conferred with my attorney about using the Expedited Civil Action procedures available to parties in the State of Iowa.
3. I understand that by electing to proceed under Expedited Civil Action procedures, the total amount of my recovery will not exceed $75,000, excluding prejudgment interest accrued after the filing, postjudgment interest, and court costs. Additionally, no single defendant can be liable for more than $75,000 to all plaintiffs combined, excluding prejudgment interest accrued after the filing, postjudgment interest, and court costs.
4. I understand that if a jury were to award more than $75,000 as damages to me, or if a jury were to award more than $75,000 in total against a single defendant, the trial judge would reduce the amount of the judgment to $75,000, plus any applicable interest and court costs to which I may be entitled.

With this knowledge, I agree to proceed under the Expedited Civil Action procedures.

Dated this ____ day of _____, 20____.

_____
Plaintiff

Oath and Signatures

I, _____, certify under penalty of perjury and pursuant to the
Print Plaintiff's name

laws of the State of Iowa that the preceding is true and correct.

_____ _____, 20_____
Month *Day* *Year*

_____
Handwritten signature of Plaintiff

_____
Full name of Plaintiff: first, middle, last

_____
Plaintiff's attorney's name, if applicable

_____
Signature of attorney, if applicable

_____
Law firm, if applicable

_____
Mailing addr. of attorney (or Plaintiff if unrepresented)

_____
Telephone no. of attorney (or Plaintiff if unrepresented)

_____
Email address of attorney (or Plaintiff if unrepresented)

_____
Additional email address, if available

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.1901 — Form 17: ***Alternative Expedited Civil Action Certification***

In the Iowa District Court for _____ County	
_____ **Plaintiff** *Full name of Plaintiff: first, middle, last* vs. _____ **Defendant** *Full name of Defendant: first, middle, last*	Civil case no._____ **Alternative Expedited Civil Action Certification for Plaintiffs that Are Not Natural Persons or Otherwise Must Act Through a Representative**

Plaintiff, _____, together with Plaintiff's attorney,
Name of Plaintiff
_____, elect to bring this lawsuit as an Expedited
Name of attorney

Civil Action under Iowa Rule of Civil Procedure 1.281.

Plaintiff certifies that the sole relief sought is a money judgment and that all claims (other than compulsory counterclaims) for all damages by or against any one party total $75,000 or less, including damages of any kind, penalties, prefiling interest, and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs.

The undersigned person certifies the following:

1. I am the _____ of Plaintiff in this action. I am duly authorized to execute this
   Title
   certification.
2. If Plaintiff is represented by an attorney, I have conferred with that attorney about using the Expedited Civil Action procedures available to parties in the State of Iowa.
3. I understand that by electing to proceed under Expedited Civil Action procedures, the total amount of Plaintiff's recovery will not exceed $75,000, excluding prejudgment interest accrued after the filing, postjudgment interest, and court costs. Additionally, no single defendant can be liable for more than $75,000 to all plaintiffs combined, excluding prejudgment interest accrued after the filing, postjudgment interest, and court costs.
4. I understand that if a jury were to award more than $75,000 as damages to Plaintiff, or if a jury were to award more than $75,000 in total against a single defendant, the trial judge would reduce the amount of the judgment to $75,000, plus any applicable interest and court costs to which Plaintiff may be entitled.

Continued on next page

With this knowledge, Plaintiff agrees to proceed under the Expedited Civil Action procedures.

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

_____
Plaintiff

_____
Name and title of Plaintiff's representative signing this form

Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Print name of Plaintiff's representative
laws of the State of Iowa that the preceding is true and correct.

_____ _____, 20_____
Month *Day* *Year*

_____
Handwritten signature of Plaintiff's representative

_____
Full name of Plaintiff's representative

_____
Name of attorney

_____
Signature of attorney

_____
Name of law firm

_____
Mailing address of attorney

_____
Telephone number of attorney

_____
Email address of attorney

_____
Additional email address, if available

[Court Order August 28, 2014, effective January 1, 2015]

Rule 1.1901 — Form 18: ***Joint Motion to Proceed as an Expedited Civil Action***

In the Iowa District Court for _____ County

_____ **Plaintiff** *Full name of Plaintiff: first, middle, last* vs. _____ **Defendant** *Full name of Defendant: first, middle, last*	Civil case no._____ **Joint Motion to Proceed as an Expedited Civil Action**

1. Pursuant to Iowa Rule of Civil Procedure 1.281(1)(*f*), the parties hereby move upon stipulation that this action proceed as an Expedited Civil Action.
2. All parties agree to this motion.
3. If the court grants this joint motion, the parties acknowledge and agree that this case will be subject to the Expedited Civil Action rule (Iowa R. Civ. P. 1.281), except for any limitations on damages set forth in the rule.

Status of Trial Scheduling and Discovery Plan: *Check one*

☐ The parties have already filed a Trial Scheduling and Discovery Plan. This case has a current trial date of _____. The parties wish to retain that trial date. The parties acknowledge and agree that in the event of any conflict between the existing Trial Scheduling and Discovery Plan and Iowa Rule of Civil Procedure 1.281, the deadlines in rule 1.281 will apply.

☐ The parties will be filing a Trial Scheduling and Discovery Plan in an Expedited Civil Action case.

I certify that all parties and attorneys to this action have agreed to this Joint Motion and have been served with a copy.

_____ _____, 20_____ _____
Signed: Month Day Year *Party's or attorney's signature*

_____ _____
Printed name *Attorney's law firm, if applicable*

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Phone number *Email address* *Additional email address, if applicable*

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015]

Rule 1.1901 — Form 19: ***Health Care Provider Statement in Lieu of Testimony***

In the Iowa District Court for _____ County

_____ **Plaintiff** *Full name of Plaintiff: first, middle, last* vs. _____ **Defendant** *Full name of Defendant: first, middle, last*	Civil case no._____ **Health Care Provider Statement in Lieu of Testimony (and Attorney Certificate)**

Patient Name: _____

Type of Incident: _____

Date of Incident: _____

Answer the following questions with information and opinions regarding the named patient.

☐ Check this box if you are attaching separate pages for any of your answers to the questions below. Be sure that the question to which your answer relates appears at the top of each additional page. *Number of additional pages:* _____

1. What degrees, licenses, and board certifications do you hold, if any, and what year was each attained? Alternatively, you may attach your curriculum vitae.

_____

_____

2. What injuries, if any, did _____ sustain in the above-referenced incident?
Patient

_____

_____

3. Did _____ have any pre-existing, symptomatic conditions that were
Patient
aggravated by the injuries sustained in the incident? If so, describe the pre-existing conditions and the extent of their aggravation.

_____

_____

4. Did _____ have any pre-existing, nondisabling, nonsymptomatic conditions
Patient
that became symptomatic as a result of the incident? If so, describe.

_____

_____

5. What treatment has _____ received from you that was necessitated by the
Patient
injuries sustained in the incident? Include treatment provided by other care providers to the extent you are aware of such. Include medications prescribed, therapy recommended, surgery recommended and any other treatments needed as a result of this condition.

_____

_____

6. Have there been or are there any restrictions or limitations placed on _____
Patient
due to injuries sustained in the incident? If so, describe them, including the actual or expected duration of the restrictions or limitations.

_____

_____

7. Has _____ made a full recovery from the injuries sustained in the
Patient
incident? If not, what are your expectations for _____ regarding future
Patient
symptoms and the duration of such symptoms?

_____

_____

8. Is there any additional care or medications that may reasonably be required in the future as a result of the injuries sustained in the incident? If so, describe the expected care, including the expected frequency, duration, and cost.

_____

_____

9. Is _____ now susceptible to further health problems in the future as a
Patient
result of injuries sustained in the incident? If so, explain.

_____

_____

10. Is there anything _____ has done or failed to do that has aggravated
Patient
his or her condition or impaired his or her recovery? If so, explain.

_____

_____

11. Have you reviewed or relied upon any medical records other than those generated by you or other providers in your office in forming your opinions to the answers to the questions above? If so, identify or attach the records that you have reviewed and relied upon in forming your answers.

_____

_____

12. Have you relied upon any other documents or information about _____ or
Patient
the incident, other than the records indicated above? If so, state what documents or information you relied upon, and the manner by which you received it.

_____

_____

Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Health care provider's name
laws of the State of Iowa that the preceding is true and correct.

_____ _____, 20_____ _____
Signed on: Month *Day* *Year* *Health care provider's signature*

Attorney Certificate on next page

Attorney Certificate

List any oral, written, or electronic communications between you or anyone in your office and the above-named treating health care provider or anyone in the provider's office regarding

_____.
Patient

For each such communication, identify the date of the communication and, if the communication was written or electronic, attach copies of such communications:

_____

_____

_____

_____

_____

_____

_____

_____

Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Print attorney's name

laws of the State of Iowa that the preceding is true and correct.

_____ _____, 20_____
Month *Day* *Year*

_____
Handwritten signature

Information supplied by:

_____
Full name: first, middle, last

_____
Law firm, if applicable

_____
Mailing address

_____
Telephone number

_____
Email address

_____
Additional email address - if available

[Court Order August 28, 2014, effective January 1, 2015]

CHAPTER 8
RULES OF JUVENILE PROCEDURE

DISCOVERY AND NOTICE OF DEFENSES

Rule 8.1 Scope of discovery
Rule 8.2 Delinquency proceedings
Rule 8.3 Child in need of assistance and termination proceedings

MOTION PRACTICE

Rule 8.4 General rule
Rule 8.5 Motions for continuance in all proceedings

PRETRIAL CONFERENCES

Rule 8.6 Pretrial conferences discretionary

SPEEDY HEARING

Rule 8.7 General rule
Rule 8.8 Delinquency
Rule 8.9 Motion to waive jurisdiction
Rule 8.10 Hearings regarding waiver
Rule 8.11 Child in need of assistance adjudicatory hearings
Rule 8.12 Temporary removal hearings

DELINQUENCY PROCEEDINGS

Rule 8.13 Corroboration of accomplice or solicited person
Rule 8.14 Suppression of evidence
Rule 8.15 Multiple juvenile defendants
Rule 8.16 Evidence at detention, shelter care, and waiver hearings
Rule 8.17 Venue in delinquency cases where child has been placed in another judicial district

CINA AND TERMINATION PROCEEDINGS

Rule 8.18 Child abuse reports
Rule 8.19 Admissibility of evidence at temporary removal hearings, hearings for removal of sexual offenders and physical abusers from the residence, and examination hearings
Rule 8.20 Motions to vacate an order for termination of parental rights
Rule 8.21 CINA and termination of parental rights orders, informational notice regarding appeal

PROCEDURE FOR JUDICIAL WAIVER OF PARENTAL NOTIFICATION

Rule 8.22 General principles
Rule 8.23 Petition for waiver
Rule 8.24 Appointment of counsel
Rule 8.25 Appointment of guardian ad litem
Rule 8.26 Advisory notice to minor
Rule 8.27 Scheduling
Rule 8.28 Notice of hearing
Rule 8.29 Burden of proof and standard of evidence
Rule 8.30 Record required
Rule 8.31 Order granting or denying petition
Rule 8.32 Confidentiality of documents and hearings
Rule 8.33 Juvenile Procedure Forms — General
Form 1: Petition for Family in Need of Assistance
Form 2: Order Setting Hearing, Appointing Counsel and Giving Notice (Family in Need of Assistance)

Form 3: Financial Affidavit of Parent and Application for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other
Form 3A: Order for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other
Form 4: Financial Affidavit of 600A Respondent and Application for Appointment of Counsel
Form 4A: Order for Appointment of Counsel for 600A Respondent
Form 5: Financial Affidavit of Petitioner Under Iowa Code Chapter 600A
Form 5A: Order for Payment of Respondent's Court Appointed Attorney Fees and Costs

Rule 8.34 Juvenile Procedure Forms — Judicial Waiver of Parental Notification
Form 1: Petition for Waiver of Parental Notification of Minor's Abortion
Form 2: Declaration of Minor who has Filed Pseudonymous Petition to Waive Parental Notification
Form 3: Order Appointing Counsel for a Minor
Form 4: Order Appointing a Guardian Ad Litem for a Minor
Form 5: Advisory Notice to Minor
Form 6: Order Setting Hearing on Petition for Waiver of Parental Notification of Minor's Abortion
Form 7: Findings of Fact, Conclusions of Law and Order
Form 8: Certification that Waiver of Parental Notification is Deemed Authorized
Form 9: Notice of Appeal

EMANCIPATION OF MINORS

Rule 8.35 Emancipation orders

PARENT REPRESENTATION

Rule 8.36 Educational requirements for court-appointed attorneys representing parents

MINOR GUARDIANSHIPS

Rule 8.37 Juvenile Procedure Forms — Minor Guardianships
Form 1: Protected Information Disclosure
Form 2: Background Check Information for a Proposed Guardian of a Minor
Form 3: Affidavit of Parental Consent
Form 4: Guardian's Initial Care Plan for Protected Minor
Form 5: Guardian's Annual Report for Protected Minor
Form 6: Guardian's Final Report for Protected Minor

Rules 8.38 to 8.40 Reserved

RESTRAINT OF JUVENILES DURING COURT PROCEEDINGS

Rule 8.41 Routine use of restraints prohibited

CHAPTER 8
RULES OF JUVENILE PROCEDURE

DISCOVERY AND NOTICE OF DEFENSES

Rule 8.1 Scope of discovery. In order to provide adequate information for informed decision making and to expedite trials, minimize surprise, afford opportunity for effective cross-examination and meet the requirements of due process, discovery prior to trial and other judicial hearings should be as full and free as possible consistent with protection of persons and effectuation of the goals of the juvenile justice system.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.2 Delinquency proceedings.

8.2(1) *Access to records.* Upon the request of counsel for a juvenile who has been referred for intake screening on a delinquency complaint, the state shall give the juvenile's counsel access to all documents, reports and records within or which come within its possession or control that concern the juvenile or the alleged offense.

8.2(2) *Informal discovery sufficient.* Although informal discovery methods are preferred, upon good cause shown, depositions and interrogatories by any party may be permitted by the court in delinquency proceedings except where they conflict with these rules or with statutes. Ordinarily, however, depositions and interrogatories shall not be permitted for issues arising under Iowa Code section 232.45(6)(b) after filing of a motion to waive jurisdiction.

8.2(3) *Affirmative defenses.* If a juvenile alleged to have committed a delinquent act intends to rely upon the affirmative defenses of insanity, diminished responsibility, intoxication, entrapment, or self-defense [justification], the juvenile shall file written notice of the intention not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.

8.2(4) *State's right to expert examination.* Where a juvenile has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial, the juvenile shall, within the time provided for the filing of pretrial motions, file written notice of the name of such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the juvenile by a state-named expert or experts whose names shall be disclosed to the juvenile prior to examination.

8.2(5) *Notice of alibi.* If a juvenile alleged to have committed a delinquent act intends to offer an alibi defense, the juvenile shall file written notice of such intention not later than the time set by the court for the filing of pretrial motions or at such later time as the court directs. The notice of alibi defense shall state the specific place or places the juvenile claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the juvenile intends to rely to establish such alibi. In the event that a juvenile shall file such notice the prosecuting attorney shall file written notice of the names and addresses of the witnesses the state proposes to offer in rebuttal to discredit the alibi. Such notice shall be filed within ten days after the filing of the juvenile's witness list, or within such other time as the court may direct.

8.2(6) *Failure to comply.* If either party fails to abide with the notice requirements of rule 8.2(3), 8.2(4), or 8.2(5), such party may not offer evidence on the issue of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a juvenile to give evidence of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense in his or her own testimony is not limited by this rule.

8.2(7) *Multiple offenses.* Two or more delinquent acts which arise from the same transaction or occurrence or from two or more transactions or occurrences constituting parts of a common scheme or plan, when alleged and prosecuted contemporaneously, shall be alleged and prosecuted as separate counts in a single delinquency petition unless, for good cause shown, the juvenile court in its discretion determines otherwise.

8.2(8) *Separate petition(s).* In cases not subject to rule 8.2(7), a separate delinquency petition shall be filed for each delinquent act.
[Report February 21, 1985, effective July 1, 1985; April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.3 Child in need of assistance and termination proceedings. Although informal discovery methods are preferred, Iowa R. Civ. P. divisions V and VII, governing discovery, depositions and perpetuation of testimony, shall apply to proceedings under Iowa Code chapter 232, divisions III and IV, where not otherwise inconsistent with these rules or applicable statutes.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

MOTION PRACTICE

Rule 8.4 General rule. Any motion filed with the juvenile court shall be promptly brought to the attention of the judge or referee by the moving party.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.5 Motions for continuance in all proceedings. A motion for continuance shall not be granted except for good cause. Any order granting a continuance shall state the grounds therefor.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

PRETRIAL CONFERENCES

Rule 8.6 Pretrial conferences discretionary. In all actions the juvenile court may in its discretion order all parties to the action to appear for a pretrial conference to consider such matters as will promote a fair and expeditious trial.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

SPEEDY HEARING

Rule 8.7 General rule. It is the public policy of the state of Iowa that proceedings involving delinquency or child in need of assistance be concluded at the earliest possible time consistent with a fair hearing to all parties.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.8 Delinquency. If a child against whom a delinquency petition has been filed has not waived the right to a speedy adjudicatory hearing, the hearing must be held within 60 days after the petition is filed or the court shall order the petition dismissed unless good cause to the contrary is shown.

8.8(1) Entry of a consent decree shall be deemed a waiver of the child's right to a speedy hearing.

8.8(2) The provisions contained herein shall be applicable notwithstanding a motion or hearing to waive jurisdiction pursuant to rule 8.9 or 8.10.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.9 Motion to waive jurisdiction. A motion under Iowa Code section 232.45 must be filed within ten days of the filing of the petition.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.10 Hearings regarding waiver. A hearing on a motion to waive jurisdiction filed pursuant to Iowa Code section 232.45 shall be held within 30 days of the filing of said motion unless good cause to the contrary is shown.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.11 Child in need of assistance adjudicatory hearings. The adjudicatory hearing on a child in need of assistance petition shall be held within 60 days of the filing of said petition unless good cause to the contrary is shown. Failure to comply with this rule shall not result in automatic dismissal, but any such failure may be urged as grounds for discretionary dismissal.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.12 Temporary removal hearings. Whenever a child has been removed pursuant to Iowa Code section 232.78 or 232.79, a hearing under Iowa Code section 232.95 shall be held within ten days of such removal.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

DELINQUENCY PROCEEDINGS

Rule 8.13 Corroboration of accomplice or solicited person. An adjudication of delinquency shall not be entered against a juvenile based upon the testimony of an accomplice or a solicited person unless corroborated by other evidence which tends to connect the juvenile with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof. Corroboration of the testimony of victims shall not be required.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.14 Suppression of evidence. Motions to suppress evidence shall be raised by motion of the juvenile specifying the ground upon which the juvenile claims the search and seizure to be unlawful. Motions to suppress evidence shall be filed not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.15 Multiple juvenile defendants. Two or more juveniles may be tried jointly if in the discretion of the court a joint trial will not result in prejudice to one or more of the parties. Otherwise, the juvenile defendants shall be tried separately. When tried jointly, the juvenile defendants shall be adjudged separately on each count.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.16 Evidence at detention, shelter care, and waiver hearings. The probable cause finding made at a shelter or detention hearing under Iowa Code section 232.44 and at waiver of jurisdiction hearings under Iowa Code section 232.45 shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. The juvenile defendant may cross-examine witnesses and may introduce evidence in his or her own behalf.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.17 Venue in delinquency cases where child has been placed in another judicial district. Where a juvenile has been placed in another judicial district and is alleged to have committed a delinquent act or acts during such placement, venue, for the purpose of conducting the adjudicatory hearing, shall be in the judicial district where the delinquent act or acts are alleged to have occurred. However, the juvenile court which originally placed the juvenile shall have the option of requesting that venue be transferred to it for the purpose of conducting the adjudicatory proceedings. If the juvenile is adjudicated of committing a delinquent act or acts in the judicial district of the juvenile's placement, venue of the matter shall be transferred to the juvenile court which previously placed the child pursuant to the original dispositional order for the purpose of conducting any dispositional and subsequent review hearings.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

CINA AND TERMINATION PROCEEDINGS

Rule 8.18 Child abuse reports. The juvenile court shall retain founded child protective assessment reports for ten years. Notwithstanding the foregoing, when notified by the department of health and human services that the report shall be expunged, the juvenile court shall destroy the report pursuant to Iowa Code section 235A.18. The juvenile court shall retain all other child protective assessment reports for five years from the date of intake at which time the clerk shall destroy the reports. Notwithstanding the foregoing, child protective assessment reports which are received into evidence in a juvenile proceeding shall be retained for so long as the case file is retained and shall not be destroyed pursuant to this rule.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002; June 30, 2023, temporarily effective July 1, 2023, permanently effective August 30, 2023]

Rule 8.19 Admissibility of evidence at temporary removal hearings, hearings for removal of sexual offenders and physical abusers from the residence, and examination hearings. The

finding of imminent risk of harm allowing for the temporary removal of a child from his or her parent, guardian or custodian under Iowa Code section 232.95, the finding that probable cause exists to believe that a sexual or physical abuse has occurred and that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional or mental health under Iowa Code section 232.82, and the finding that probable cause exists to believe a child is a child in need of assistance pursuant to section 232.2(6)(e) or (f) for purposes of establishing grounds for examination of the child pursuant to Iowa Code section 232.98 shall be made by substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.20 Motions to vacate an order for termination of parental rights. Any request by a biological or putative parent to vacate an order terminating parental rights pursuant to Iowa Code chapter 600A must be filed within 30 days from the entry of said order. The 30-day period for filing a motion to vacate such order shall not be waived or extended.
[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.21 CINA and termination of parental rights orders, informational notice regarding appeal. If a court enters an order in an Iowa Code chapter 232 CINA, termination of parental rights, or post-termination proceeding, the order shall contain a written notice that an appeal by an aggrieved party must be taken pursuant to Iowa R. App. P. 6.101(1)(*a*), the notice of appeal must be filed within 15 days of the entry of the order, and a petition on appeal must be filed within 15 days thereafter. The absence of such language from an order will not affect the time for filing a notice of appeal or a petition on appeal.
[Report August 31, 2001, effective January 1, 2002; November 9, 2001, effective February 15, 2002; April 21, 2003, effective July 1, 2003; October 31, 2008, effective January 1, 2009]

PROCEDURE FOR JUDICIAL WAIVER OF PARENTAL NOTIFICATION

Rule 8.22 General principles.

8.22(1) These rules shall be interpreted to provide expeditious and confidential proceedings in accordance with Iowa Code chapter 135L.

8.22(2) All references in these rules to the clerk shall mean the clerk of the district court and shall include the clerk's designee.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.23 Petition for waiver.

8.23(1) *Form.* A minor who seeks waiver of parental notification prior to obtaining an abortion shall petition the court in a manner substantially complying with the form that accompanies these rules. This form, along with other forms that accompany these rules for use in waiver proceedings, shall be available at the offices of all clerks of court. All petitions shall state the manner by which the minor desires to receive notification of the court's decision and whether a similar petition has previously been presented to and refused by any court.

8.23(2) *Assistance.* The clerk shall assist the minor in completing and filing the petition.

8.23(3) *Filing.* A petition is filed for the purposes of these rules when it is date and time stamped in the clerk's office. The clerk shall present the petition to the court immediately upon filing.

8.23(4) *Anonymity and confidentiality.* The minor may file a petition using a pseudonym and the petition shall not contain any information, such as social security number, address, or name of parents, by which the minor may be identified. A sworn statement containing the case number, and the minor's true name, date of birth, and address shall be filed simultaneously with the pseudonymous petition. The clerk of court shall issue to the minor a certified copy of the sworn statement, which shall identify her to the provider of abortion services as the minor for whom a petition to waive notification was granted or denied. The clerk shall then place the original sworn statement under seal. Notwithstanding

any other provision of Iowa law or these rules, the seal on the statement containing the minor's true name may not be broken except upon court order in exigent circumstances or at the minor's request.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.24 Appointment of counsel. The clerk shall inform the minor that she has a right to a court-appointed attorney without cost to her. The court shall appoint an attorney for the minor upon her request. The attorney shall serve as counsel on appeal.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.25 Appointment of guardian ad litem. The court may appoint a guardian ad litem, and shall appoint a guardian ad litem if the minor is not accompanied by a responsible adult, as that term is defined in the statute, or has not viewed the video under Iowa Code section 135L.2.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.26 Advisory notice to minor.

8.26(1) Upon the filing of any petition for waiver of parental notification, the clerk shall provide the minor a copy of the Advisory Notice to Minor form that accompanies these rules.

8.26(2) The clerk shall document in the court file that a copy of the advisory notice has been provided to the minor.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.27 Scheduling. Immediately upon filing the petition, the clerk shall set or secure the date for the hearing and so advise the minor if she is present. Otherwise, notice of hearing shall follow the procedures of rule 8.28. The hearing shall be held within 48 hours of the filing of the petition unless the minor or her attorney requests an extension of time within which a hearing shall be held. If the request for extension of time is granted, the deadline for filing any decision on appeal shall be extended for a like period of time.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.28 Notice of hearing. If the court determines that a guardian ad litem and/or an attorney for the minor should be appointed in accordance with Iowa Code section 135L.3(3)(b), the clerk shall notify said person(s) as well as any other person(s) designated by the minor not less than eight hours before the time fixed for a hearing, unless there is a waiver of the notice requirement by said person(s), or the time is reduced or extended by the court. Service of notice may be by acceptance of service. The only notice provided to the minor shall be by the minor making inquiry of the clerk of court following the entry of the order scheduling the hearing. Notice shall be provided by the clerk only to the above-named person(s).
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.29 Burden of proof and standard of evidence. The minor shall have the burden of proving the allegations of her petition by a preponderance of the evidence.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.30 Record required. In accordance with Iowa Code section 624.9, and consistent with the confidentiality requirements of rule 8.32, stenographic notes or electronic recordings shall be taken of all hearings held pursuant to Iowa Code chapter 135L and said record shall not be waived.
[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.31 Order granting or denying petition.

8.31(1) *Time for granting or denying waiver.* An order either granting or denying waiver of parental notification with findings of fact and conclusions of law shall be filed immediately following

the hearing and in no event later than 48 hours from the filing of the petition or from the hearing if an extension is granted under rule 8.27.

8.31(2) *Procedure in default of hearing and order.* If the court fails to hold the hearing and rule on the petition within the time provided by these rules, the petition is deemed granted and the waiver is deemed authorized. In the event the petition is deemed authorized, the clerk shall immediately issue the certification form that accompanies these rules to the minor or her attorney.

8.31(3) *Delivery of order or certification.* The clerk shall deliver the order under rule 8.31(1), or the certification under rule 8.31(2), in the manner requested by the minor in the petition. The order or certification shall specify the person(s) to whom the clerk shall provide a copy. A copy shall be available to the minor at the clerk's office.

8.31(4) *Notification of appeal rights.* If the petition is denied, the order shall include notice of the right to appeal to the Iowa supreme court, the time period within which appeal must be filed and a copy of the applicable rules of appellate procedure.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.32 Confidentiality of documents and hearings.

8.32(1) *Records.* In accordance with Iowa Code chapter 135L and these rules, all records of parental notification proceedings are confidential. All confidential records shall be kept sealed and opened only as necessary for the conduct of proceedings for waiver of parental notification, an appeal of the district court decision, or as ordered by a court.

8.32(2) *Hearings.* The hearing shall be held in a confidential manner, preferably in chambers. Only the minor, her attorney, her guardian ad litem, and the person(s) whose presence is specifically requested by the minor, her attorney, or her guardian ad litem may attend the hearing on the petition.

8.32(3) *Purging of files.* The clerk shall destroy all records and files in the case when one year has elapsed from any of the following, as applicable:

a. The date that the court issues an order waiving the notification requirement or the date the waiver is deemed authorized under rule 8.31(2).

b. The date after which the court denies the petition for waiver of notification and the decision is not appealed.

c. The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.33 Juvenile Procedure Forms — General. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated.

Rule 8.33 — Form 1: ***Petition for Family in Need of Assistance.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
JUVENILE COURT

IN RE THE FAMILY OF _____; UPON THE PETITION OF _____ A CHILD/CHILDREN or A PARENT, GUARDIAN or CUSTODIAN	JUVENILE NO. _____ **PETITION FOR FAMILY IN NEED OF ASSISTANCE**

The petitioner respectfully states to the court that _____ [child/children] and _____ [parent, guardian or custodian] are a family in need of assistance within the purview of Iowa Code sections 232.122 through 232.127, in that there has been a breakdown in the familial relationship. In support thereof, petitioner states as follows:

Petitioner has sought services from _____, a private or public agency, to maintain and improve the familial relationship, but the relationship has not improved and petitioner now requests the aid of the court.

The name(s) and residence(s) of the child/children are _____.

The age(s) of the child/children is/are _____.

The names and residences of the living parents, guardian or custodian are _____.

The name and address of the guardian ad litem are _____.

WHEREFORE, the undersigned prays that the court set a time and place for hearing on the petition, appoint counsel for the child, order that notice be directed to all parties in interest in a manner provided by law, and upon hearing adjudicate this family to be a family in need of assistance and make such order or orders as may maintain and improve the familial relationship.

Oath and Signature

I,_____, have read this Petition, and I certify under penalty
Print your full name: first, middle, last
of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Petition is true and correct.

_____	_____	_____,	20_____
*Petitioner's signature**	*Month*	*Day*	*Year*
_____	_____	_____	_____
Mailing address	*City*	*State*	*ZIP code*

(_____) _____ _____ _____
Phone number *Email address* *Additional email address, if applicable*

** Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

SOURCE: Iowa Code §232.125, 232.126, 232.127; 8.33, Form 1.

[Report 1983; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 8.33 — Form 2: ***Order Setting Hearing, Appointing Counsel and Giving Notice (Family in Need of Assistance).***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
JUVENILE COURT

IN RE THE FAMILY OF _____; UPON THE PETITION OF _____ A CHILD/CHILDREN or A PARENT, GUARDIAN or CUSTODIAN	JUVENILE NO. _____ **ORDER SETTING HEARING, APPOINTING COUNSEL AND GIVING NOTICE (FAMILY IN NEED OF ASSISTANCE)**

To: _____

You are hereby notified that there is presently on file in this court a verified petition alleging the above-named family to be a family in need of assistance; a copy of the petition is attached. An adjudicatory hearing on the merits of the petition is set for the time and place stated below.

You are further notified that the court shall appoint counsel or a guardian ad litem to represent the interests of the child at the adjudicatory hearing unless the child already has such counsel or guardian and that the court shall appoint counsel for the parent, guardian, or custodian if that person desires but is financially unable to employ counsel.

You are further notified that if you wish to state your views, you must appear or in your absence the court may order you to comply with any other reasonable orders designed to maintain and improve the familial relationship.

The court having found that a hearing on this matter should be set, IT IS HEREBY ORDERED:

1. That the above matter is set for adjudicatory hearing at _____ o'clock _____.m., on the _____ day of _____, 20 _____, before this court at the _____ County Courthouse at _____, in the city of _____, _____ County, Iowa.

2. That _____, an attorney practicing before this court, is appointed to represent the child, _____, in this matter as guardian ad litem.*

3. That the clerk of the juvenile court is directed to send by certified mail a copy of this order with the attached petition to the above-named child, child's counsel and said child's parent, guardian or custodian no less than _____ days prior to the time set out above, said mailing to serve as notice of said hearing.

Dated this _____ day of _____, 20 _____.

_____
Judge

* Delete this paragraph if the child is already represented by counsel.

SOURCE: Iowa Code §232.126, 232.127; 8.33, Form 2.

[Report 1983; November 9, 2001, effective February 15, 2002]

Rule 8.33 — Form 3: ***Financial Affidavit of Parent and Application for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other.***

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Financial Affidavit of Parent and Application for Appointment of Counsel for**
_____,	)	**❑ Child ❑ Parent ❑ Other:** _____
Child(ren).	)	

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Case: ❑ CINA ❑ TPR ❑ Del ❑ Other: _____ Relationship to Child(ren): ❑ Parent ❑ Other: _____

Do you have a job? ❑ No job ❑ Yes, full time ❑ Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per ❑ hour ❑ month ❑ year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per ❑ hour ❑ month ❑ year

List all other money you, and anyone else living in your household, has coming in: _____
_____
_____
_____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than $100: _____
_____
_____
_____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____
_____
_____
_____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date_____ Signature _____

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 3A: *Order for Appointment of Counsel for ❑ Child ❑ Parent ❑ Other.*

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Order for Appointment**
	)	**of Counsel for**
_____,	)	❑ **Child** ❑ **Parent** ❑ **Other:** _____
Child(ren).	)	

Now on this _____ day of_____, 20___, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. **Child/Applicant:**
   - ❑ Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
     - ❑ Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
     - ❑ Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
     - ❑ Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
   - ❑ Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
   - ❑ Is not eligible for court-appointed counsel.
2. **Counsel/Guardian ad litem** appointed below to represent Child/Applicant is:
   - ❑ The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
   - ❑ An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
     - ❑ Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
     - ❑ Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
     - ❑ Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- ❑ Denied.
- ❑ Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

_____
Judge, _____ Judicial District

Copy to:

* **Note**: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. *See* Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. **Do not use this form order for 600A TPR Appointments.**

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 4: ***Financial Affidavit of 600A Respondent and Application for Appointment of Counsel.***

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Financial Affidavit of 600A Respondent and Application for Appointment of Counsel**
_____,	)	
Child(ren).	)	

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Respondent's name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Do you have a job? ❑ No job ❑ Yes, full time ❑ Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per ❑ hour ❑ month ❑ year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per ❑ hour ❑ month ❑ year

List all other money you, and anyone else living in your household, has coming in: _____
_____
_____
_____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than $100: _____
_____
_____
_____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____
_____
_____
_____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date_____ Signature _____

[Report November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 4A: *Order for Appointment of Counsel for 600A Respondent.*

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Order for Appointment**
_____,	)	**of Counsel for 600A Respondent**
Child(ren).	)	

Now on this _____ day of _____, 20___, the court having received and examined the Financial Affidavit of Respondent and Application for Appointment of Counsel and having conducted an in-court colloquy and having considered not only Respondent's income, but also the availability of any assets subject to execution and the nature and complexity of the case, finds the following:

1. **Respondent:**
   - ❑ Is eligible for court-appointed counsel pursuant to Iowa Code section 600A.6A because each of the following criteria are met:
     - ❑ Respondent requested appointment of counsel; **and**
     - ❑ Respondent is indigent (at or below 100% of the poverty guidelines and Respondent is unable to pay for the cost of an attorney); **and**
     - ❑ Respondent, because of lack of skill or education, would have difficulty in presenting the person's version of the facts in dispute, particularly where the presentation of the facts requires the examination or cross-examination of witnesses or the presentation of complex documentary evidence; **and**
     - ❑ Respondent has a colorable defense to the termination of parental rights, or there are substantial reasons that make termination of parental rights inappropriate.
   - ❑ Is not eligible for court-appointed counsel.
2. **Counsel** appointed below to represent Respondent:
   - ❑ Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
   - ❑ Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
   - ❑ Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Respondent's Application for Appointment of Counsel is

- ❑ Denied.
- ❑ Approved, and that _____ is appointed to serve as counsel in this case for Respondent at state expense and may be contacted at _____.

_____
Judge, _____ Judicial District

Copy to:

[Report November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 5: ***Financial Affidavit of Petitioner Under Iowa Code Chapter 600A.***

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of _____, _____, _____, **Child(ren).**	)))))))	**Juvenile No.** _____ **Financial Affidavit of Petitioner Under Iowa Code Chapter 600A**

Petitioner's name: _____ Birth date: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Do you have a job? ❑ No job ❑ Yes, full time ❑ Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per ❑ hour ❑ month ❑ year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per ❑ hour ❑ month ❑ year

List all other money you, and anyone else living in your household, has coming in: _____
_____
_____
_____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than $100: _____
_____
_____
_____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____
_____
_____
_____

I promise under penalty of perjury that the statements I make in this affidavit are true and that I am unable to pay for an attorney to represent Respondent in this case. I also understand that I must report any changes in the information submitted on this financial affidavit.

Date_____ Signature _____

[Report November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 5A: ***Order for Payment of Respondent's Court Appointed Attorney Fees and Costs.***

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	**Juvenile No.** _____
_____,	)	
_____,	)	**Order for Payment of Respondent's Court Appointed Attorney Fees and Costs**
_____,	)	
Child(ren).	)	

Now on this _____ day of _____, 20___, the court having received and examined the Financial Affidavit of Petitioner Under Iowa Code Chapter 600A finds as follows:

- ❑ Petitioner is **not indigent** (over 100% poverty guideline) and is responsible for payment of reasonable attorney's fees to Respondent's court-appointed attorney.

- ❑ Petitioner is **indigent** (at or under 100% poverty guideline unless able to pay attorney costs) and the State Public Defender is responsible for payment of reasonable attorney's fees to Respondent's court-appointed attorney under Iowa Code section 600A.6B(3) and Iowa Administrative Code section 493-14.

_____
Judge, _____ Judicial District

Copy to:

[Report November 8, 2012, effective January 7, 2013]

Rule 8.34 Juvenile Procedure Forms — Judicial Waiver of Parental Notification. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated.

Rule 8.34 — Form 1: ***Petition for Waiver of Parental Notification of Minor's Abortion.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **PETITION FOR WAIVER OF PARENTAL NOTIFICATION OF MINOR'S ABORTION PURSUANT TO IOWA CODE SECTION 135L.3**

I, the above-named minor, state:

1. I am under 18 years of age.

2. I am approximately _____ weeks pregnant and seek an abortion by a licensed physician, without notification of a parent.

3. (Check one)

_____ a. I am accompanied by a responsible adult (a responsible adult is a person who is 18 or over and who is not associated with the clinic or physician who will perform the abortion).

_____ b. I am not accompanied by a responsible adult.

4. (Check one)

_____ a. I have viewed the video prepared by the Iowa Department of Public Health that explains my options as a pregnant minor, including parenting, adoption, and abortion.

_____ b. I have not viewed the video.

5. (Check one)

_____ a. I understand that I have the right to a court-appointed attorney at no cost to me. Please appoint an attorney to represent me.

_____ b. I have an attorney to represent me. The attorney's name, address, and telephone number is _____
_____.

6. I understand that this proceeding will be kept secret from my parents and the public. The only persons who may attend any hearing on the petition are myself, my attorney, my guardian ad litem (if one is appointed) and those whose presence I, my attorney, or my guardian ad litem specifically request. I request that the following person(s) be notified of and admitted to all hearings in my case:
Name(s) and address(es): _____
_____.

7. I understand court personnel will not send any papers to my home or try to call me. I would like to be informed of the court's decision in the following way: _____
_____.

I request the following person(s), in addition to my attorney, be contacted and given papers in my case:
Name(s) and address(es): _____
_____.

Petition for Waiver of Parental Notification of Minor's Abortion *(cont'd)*

8. (Check one or both)

_____ a. I am mature and capable of providing informed consent for the performance of an abortion.

_____ b. It would not be in my best interests to notify a parent of my abortion for the following reasons: _____ _____ _____.

9. I state on oath that (check one)

_____ a. I am presenting this request to a court for the first time.

_____ b. I have made this request to a court before and was refused.

10. The name, business address, and business telephone number (if these are known) of the physician who will perform the abortion is _____ _____ _____.

THEREFORE, I request that the court grant my application to obtain an abortion without notifying a parent.

Signed on this _____ day of _____, 20 _____.

_____
Petitioner (You may sign a name other than your true name, such as Jane Doe)

NOTICE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 2: ***Declaration of Minor who has Filed Pseudonymous Petition to Waive Parental Notification.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **DECLARATION OF MINOR WHO HAS FILED PSEUDONYMOUS PETITION TO WAIVE PARENTAL NOTIFICATION UNDER IOWA CODE CHAPTER 135L**

NOTICE TO THE CLERK OF COURT: A CERTIFIED COPY OF THIS DECLARATION, WITH THE FILE NUMBER NOTED ON IT, SHOULD BE GIVEN TO THE MINOR AFTER SHE SIGNS IT.

THE ORIGINAL SHOULD IMMEDIATELY BE PLACED IN A SEALED ENVELOPE, WHICH SHOULD BE FILED UNDER SEAL AND KEPT UNDER SEAL AT ALL TIMES.

1. My true name is _____, and my address is
(print your name)
_____.
(print your address)
2. My date of birth is _____.
3. I have filed a petition to waive parental notification, under the name _____
_____ on _____.
(date)

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: _____ Signed: _____
(You must sign your true name)

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 3: ***Order Appointing Counsel for a Minor.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **ORDER APPOINTING COUNSEL FOR A MINOR UNDER IOWA CODE SECTION 135L.3(3)(b)**

THIS MATTER is before the court upon the minor's request to waive parental notification of an abortion under Iowa Code chapter 135L. The court finds that counsel should be appointed.

IT IS ORDERED that [*name*] _____, [*address*] _____, [*telephone number*] _____ is appointed counsel for the minor at public expense.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20 _____.

_____
JUDGE
_____ **JUDICIAL DISTRICT OF IOWA**

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 4: ***Order Appointing a Guardian Ad Litem for a Minor.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **ORDER APPOINTING A GUARDIAN AD LITEM FOR A MINOR UNDER IOWA CODE SECTION 135L.3(3)(b)**

THIS MATTER is before the court upon the minor's request to waive parental notification of an abortion under Iowa Code chapter 135L. The court finds that a guardian ad litem should be appointed.

IT IS ORDERED that [*name*] _____, [*address*] _____, [*telephone number*] _____ be appointed as the guardian ad litem for the minor at public expense.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20 _____.

_____
JUDGE
_____ **JUDICIAL DISTRICT OF IOWA**

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 5: ***Advisory Notice to Minor.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **ADVISORY NOTICE TO MINOR**

YOU ARE NOTIFIED as follows:

All information in your case is confidential. No papers will be sent to your home, and you will not be contacted by this court. Your name will not be on your court papers.

Your lawyer and your guardian ad litem (if one is appointed) will receive notices about your case. You may also name someone else to get notices. That person's name should be on your petition.

YOUR CASE NUMBER APPEARS AT THE TOP OF THIS SHEET. KEEP IT IN A SAFE PLACE. YOU CANNOT GET INFORMATION FROM THE CLERK WITHOUT YOUR CASE NUMBER.

YOU HAVE BEEN GIVEN A COPY OF THE STATEMENT YOU SIGNED WITH YOUR TRUE NAME. KEEP IT IN A SAFE PLACE. YOU MAY NEED TO SHOW IT TO YOUR DOCTOR TO OBTAIN AN ABORTION WITHOUT NOTIFYING A PARENT.

Clerk: Complete information below:

1. (a) Your hearing is scheduled for _____,
   at the _____ County Courthouse in _____, Iowa.

   OR

   (b) You must call the clerk at (_____) _____ to obtain the date of the hearing.

2. (a) Your lawyer is _____, telephone number _____.

   OR

   (b) You must call the clerk at the above number to get the name of your lawyer.

3. (a) Your guardian ad litem is _____,
   telephone number _____.

   OR

   (b) You may call the clerk at the above number to obtain the name of your guardian ad litem.

You may be told of the court's decision immediately after the hearing. If not, you may contact your lawyer or the clerk soon after the hearing to find out if the court has ruled on your petition.

You have a right to a hearing and a decision within 48 hours unless you or your attorney asks for an extension of time. Any extension of time granted for the hearing shall extend the deadline for filing any decision on appeal for a like period of time. If these deadlines are not met you have a right to ask the clerk for a paper that will allow your doctor to perform the abortion without notifying a parent.

If the court does not grant your petition, you will be able to appeal.

Advisory Notice to Minor *(cont'd)*

If the court does not grant your petition and you decide not to appeal, or if your appeal is not granted, you may request that the court appoint a licensed therapist to help you tell your family of your decision and deal with any family problems. The cost of the therapist will be paid for by the court.

I certify that I have given a copy of this advisory notice to the minor.

_____
Clerk of the Court
_____ County Courthouse
_____, Iowa _____

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 6: ***Order Setting Hearing on Petition for Waiver of Parental Notification of Minor's Abortion.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **ORDER SETTING HEARING ON PETITION FOR WAIVER OF PARENTAL NOTIFICATION OF MINOR'S ABORTION**

THIS MATTER came before the court upon the petition of _____ that a hearing be held in this matter. The court finds that such a hearing should be scheduled and proper notice should be given in accordance with Iowa R. Juv. P. 8.28.

IT IS THEREFORE ORDERED that a hearing on the Petition to Waive Parental Notification of a Minor's Abortion be held pursuant to Iowa Code section 135L.3 on the _____ day of _____, 20 _____, at _____ o'clock ____. m. at the _____ County Courthouse in _____, Iowa.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20 _____.

_____
JUDGE
_____ **JUDICIAL DISTRICT OF IOWA**

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 7: ***Findings of Fact, Conclusions of Law and Order.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **FINDINGS OF FACT,** **CONCLUSIONS OF LAW AND ORDER**

This matter came before the court on _____, 20 _____, for hearing held pursuant to Iowa Code section 135L.3 on waiver of parental notification of a minor's abortion. Present for the hearing were the following:

_____, the minor;

_____, the minor's attorney;

_____, the minor's guardian ad litem; and

_____, _____.

The proceeding was reported [tape recorded]. The following exhibits and testimony were received into evidence:

_____
_____
_____

The court now makes the following **FINDINGS OF FACT**:

1. Notice of this hearing and a copy of the petition were served in accordance with Iowa R. Juv. P. 8.28.

2. The petitioner is a pregnant minor, _____ years of age. She is approximately _____ weeks pregnant and seeks an abortion but objects to the notification of a parent.

3. (Check one)

____ a. The petitioner is mature and capable of providing informed consent for the performance of an abortion. This decision is based upon the following facts: _____
_____
_____.

OR

____ b. The petitioner is not mature or does not claim to be mature, but notification to the petitioner's parent is not in the petitioner's best interest. This decision is based upon the following facts: _____
_____
_____.

OR

____ c. The petitioner has not shown she is mature and capable of providing informed consent, nor has she shown that notification to a parent is <u>not</u> in her best interest. This decision is based upon the following facts: _____
_____
_____
_____
_____.

Findings of Fact, Conclusions of Law and Order *(cont'd)*

CONCLUSIONS OF LAW

1. The court has jurisdiction of the petitioner and the subject matter as provided in Iowa Code chapter 135L.

2. The burden of proof is on the petitioner by a preponderance of the evidence.

3. (Check one)

____ a. A preponderance of the evidence shows that the petitioner is mature and capable of providing informed consent for the performance of the abortion within the scope and meaning of Iowa Code section 135L.3(3)(e)(1).

OR

____ b. A preponderance of the evidence shows that the petitioner is not mature or does not claim to be mature, but notification of the abortion to a parent is not in the best interest of the petitioner within the scope and meaning of Iowa Code section 135L.3(3)(e)(2).

OR

____ c. The evidence does not support a judicial waiver of parental notification.

4. The notification requirements as provided in Iowa Code section 135L.3 should [should not] be waived.

IT IS ORDERED, ADJUDGED AND DECREED that the petition for waiver of parental notification is granted [denied].

The clerk shall provide a copy of this order to the petitioner's attorney, guardian ad litem, if any, physician, and the following person(s) designated by the petitioner: _____
_____
_____.

The clerk shall provide notice of this decision to the petitioner as requested in the following manner: _____
_____.

Notice: (Delete if petition is granted). You have the right to appeal this ruling to the Iowa Supreme Court. You must file a notice of appeal with the district court clerk within 24 hours of this ruling. The rules you must follow for the appeal are attached to this order.

Dated this _____ day of _____, 20 _____.

_____
JUDGE
_____ **JUDICIAL DISTRICT OF IOWA**

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 8: ***Certification that Waiver of Parental Notification is Deemed Authorized.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ **CERTIFICATION THAT WAIVER OF PARENTAL NOTIFICATION IS DEEMED AUTHORIZED**

Pursuant to Iowa Code section 135L.3 the clerk certifies that:

1. The minor's petition for waiver of parental notification was filed on _____.

2. ____ (a) A ruling was not made within 48 hours of the filing of said petition,

   OR

   ____ (b) The date for the hearing was extended at the request of the minor to _____, and a ruling was not made within 48 hours of the extended hearing date.

THEREFORE, pursuant to Iowa Code section 135L.3(3)(l), the petition is deemed granted and the waiver of notification requirements is deemed authorized.

Dated: _____

_____
Clerk of the Court
_____ County Courthouse

_____, Iowa _____

Copies to: (Clerk, *see* Iowa R. Juv. P. 8.31(3))

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 9: ***Notice of Appeal.***

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ Supreme Court No. _____ **NOTICE OF APPEAL**

TO THE CLERK OF THE DISTRICT COURT, _____ COUNTY, AND TO THE CLERK OF THE SUPREME COURT:
You are notified that _____, the minor, who filed her petition for waiver of parental notification on _____, hereby appeals the order dated _____, which denied her petition.

Dated this _____ day of _____, 20 _____.

_____
Attorney for _____

Address: _____
_____
_____

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

EMANCIPATION OF MINORS

Rule 8.35 Emancipation orders.

8.35(1) *Separate orders.* The juvenile court shall enter findings of fact and conclusions of law separately from an order granting emancipation of a minor.

8.35(2) *Confidentiality.* The separate findings of fact and conclusions of law shall be confidential. Notwithstanding any other confidentiality statute or rule concerning juvenile court records, orders granting emancipation of a minor under Iowa Code chapter 232C shall be considered public records subject to release by the juvenile court.

[Report June 29, 2009, effective August 28, 2009]

PARENT REPRESENTATION

Rule 8.36 Educational requirements for court-appointed attorneys representing parents.

8.36(1) *Three-hour annual minimum.* Court-appointed attorneys representing parents in juvenile court are required to participate annually in a minimum of three hours of continuing legal education relating to juvenile court proceedings. An attorney shall not accept juvenile court appointment representing a parent unless the attorney has fulfilled this three-hour minimum requirement either in the previous calendar year or earlier in the calendar year of the appointment.

8.36(2) *Qualifying courses.*

a. For purposes of this rule, "continuing legal education relating to juvenile court proceedings" means instruction that meets all three of the following criteria:

(1) It relates to the legal, ethical, medical, psychological, or social issues arising in juvenile court proceedings.

(2) It has been approved by the Iowa Children's Justice Initiative.

(3) It has been accredited by the commission on continuing legal education.

b. The Iowa Children's Justice Initiative is responsible for publicizing courses that meet the criteria of rule 8.36(2). It is anticipated that these courses will be available throughout the state at little or no cost to the attorney.

8.36(3) *Recordkeeping.* Court-appointed attorneys representing parents in juvenile court proceedings are responsible for maintaining records of their compliance with this rule and reporting required instruction on the annual report required by Iowa Court Rule 41.4. A judge presiding over a juvenile proceeding, or the State Public Defender, may require an attorney to certify compliance with this rule and to provide the attorney's annual reports and any other records demonstrating compliance with this rule.

8.36(4) *Effective date.* This rule applies to court appointments that occur on or after January 1, 2015. Attorneys appointed to represent parents in juvenile court proceedings on or after January 1, 2015, must have completed three hours of continuing legal education relating to juvenile court proceedings either during calendar year 2014 or during calendar year 2015 prior to their appointment.

[Court Order October 16, 2013, effective January 1, 2015]

MINOR GUARDIANSHIPS

Rule 8.37 Juvenile Procedure Forms — Minor Guardianships. An individual serving as guardian for a minor guardianship without attorney representation must use forms contained in this rule for required filings. An attorney may use these forms but is not required to do so.

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 1: ***Protected Information Disclosure***

- *If information is abbreviated on other rule 8.37 forms, use this form to include protected information in full.*

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Protected Information Disclosure**

When protected information, as defined in Iowa Court Rule 16.602, is required by law or is material to the case and is therefore included in nonconfidential documents on nonconfidential cases, a party must record the protected information on this form.

For an explanation of a filer's responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules of Electronic Procedure, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted or partially provided.

1. Protected Minor. *The minor who is the subject of the guardianship.*

Provide the complete version of protected information and the redacted version included in documents you file.

Name _____ _____ _____
First *Middle* *Last*

Protected information type	**Complete information** (See rules 16.602 and 16.604)	**Redacted information** (See rule 16.605)
A. Protected Minor's full name	*Full name*	*Initials only*
B. Social security number	- -	*Last four digits only*
C. Date of birth	/ / *mm/dd/yyyy*	*Year only*
D. Personal identification numbers (if no social security number)	*Full number*	*Partial only*
E. Other unique identifying numbers	*Full number*	*Partial only*
F. *Additional protected information*	*Full information*	*Partial information*
G. *Additional protected information*	*Full information*	*Partial information*

Continued on next page

Rule 8.37—Form 1: Protected Information Disclosure, continued

H. *Additional protected information*	*Full information*	*Partial information*
I. *Additional protected information*	*Full information*	*Partial information*

☐ *Check this box if you are attaching a separate sheet listing additional information for Protected Minor.*

2. Parent. *The parent of the minor who is the subject of the guardianship.*

Provide the complete version of protected information and the redacted version included in documents you file.

Name _____ _____ _____
First *Middle* *Last*

Protected information type	**Complete information** (See rules 16.602 and 16.604)	**Redacted information** (See rule 16.605)
A. Social security number	- -	*Last four digits only*
B. Date of birth	/ / *mm/dd/yyyy*	*Year only*
C. Individual taxpayer identification numbers	- -	*Last four digits only*
D. Personal identification numbers (if no social security number)	*Full number*	*Partial only*
E. Other unique identifying numbers	*Full number*	*Partial only*
F. *Additional protected information*	*Full information*	*Partial information*
G. *Additional protected information*	*Full information*	*Partial information*
H. *Additional protected information*	*Full information*	*Partial information*
I. *Additional protected information*	*Full information*	*Partial information*

☐ *Check this box if you are attaching a separate sheet listing additional information for Parent.*

3. Additional Parent. *The other parent, if applicable, of the minor who is the subject of the guardianship.*

Provide the complete version of protected information and the redacted version included in documents you file.

Name _____ _____ _____
First *Middle* *Last*

Protected information type	**Complete information** (See rules 16.602 and 16.604)	**Redacted information** (See rule 16.605)
A. Social security number	- -	*Last four digits only*
B. Date of birth	/ / *mm/dd/yyyy*	*Year only*

Continued on next page

Rule 8.37—Form 1: Protected Information Disclosure, continued

C. Individual taxpayer identification numbers	- -	*Last four digits only*
D. Personal identification numbers (if no social security number)	*Full number*	*Partial only*
E. Other unique identifying numbers	*Full number*	*Partial only*
F. *Additional protected information*	*Full information*	*Partial information*
G. *Additional protected information*	*Full information*	*Partial information*
H. *Additional protected information*	*Full information*	*Partial information*
I. *Additional protected information*	*Full information*	*Partial information*

☐ *Check this box if you are attaching a separate sheet listing additional information for Additional Parent.*

4. Proposed Guardian or Guardian. *The proposed, or current, guardian of the protected minor.*

Provide the complete version of protected information and the redacted version included in documents you file.

Name _____ _____ _____
First *Middle* *Last*

Protected information type	**Complete information** (See rules 16.602 and 16.604)	**Redacted information** (See rule 16.605)
A. Social security number	- -	*Last four digits only*
B. Date of birth	/ / *mm/dd/yyyy*	*Year only*
C. Individual taxpayer identification numbers	- -	*Last four digits only*
D. Personal identification numbers (if no social security number)	*Full number*	*Partial only*
E. Other unique identifying numbers	*Full number*	*Partial only*
F. *Additional protected information*	*Full information*	*Partial information*
G. *Additional protected information*	*Full information*	*Partial information*
H. *Additional protected information*	*Full information*	*Partial information*
I. *Additional protected information*	*Full information*	*Partial information*

☐ *Check this box if you are attaching a separate sheet listing additional information for Proposed Guardian or Guardian.*

Continued on next page

5. Information provided by:

_____ /s/_____
Printed name *Signature*

_____
Law firm, if applicable

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

_____ _____, 20_____
Month *Day* *Year*
Date signed

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 2: *Background Check Information for a Proposed Guardian of a Minor*

Instructions:

- Iowa Code section 232D.307 requires the court to conduct a criminal records check and checks of the child abuse, dependent adult abuse, and sex offender registry for a proposed guardian of a minor, and requires the proposed guardian to pay the background check fee ($15.00). *Note: The clerk of court will keep this information form* ***confidential***.
- Do not give copies of this form to anyone except the clerk of court or your attorney, if you have one.
- If there is no existing guardianship approved by the court, file this form and a Petition to Establish a Guardianship for a Minor with the clerk of court.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Background Check Information for a Proposed Guardian of a Minor** Iowa Code § 232D.307

Guardian states as follows:

1. Proposed Guardian's personal information

A. Current legal name

_____	_____	_____
Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*

B. Personal identifying information

____/____/____	_____	____-____-____
Date of birth (month/day/year)	*Gender*	*Social security number*

C. All other names ever used (including any other previous legal names and nicknames)

Alternate name #1

_____	_____	_____
Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*

Alternate name #2

_____	_____	_____
Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*

Continued on next page

Rule 8.37—Form 2: Background Check Information for a Proposed Guardian of a Minor, continued

Alternate name #3	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #4	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #5	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #6	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #7	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #8	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*
Alternate name #9	_____	_____	_____
	Full first name	*Full middle name (write "N/A" if no middle name)*	*Full last name*

2. Certification and release authorization

Certification: I confirm that the information provided above is true and correct.

Release Authorization: I give permission for the court to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me maintained by the DCI may be released as allowed by law. I understand this can include information concerning cases expunged from court records, successful completion of the terms of a deferred judgment, if any, and arrests without dispositions.

_____	_____	_____	_____
Signature of Proposed Guardian	*Month*	*Day*	*Year*

**Handwrite your signature on this form. Scan the form after signing it and file it electronically.*

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 3: *Affidavit of Parental Consent*

Instructions:

- This form must be completed by each parent who has legal custody of the minor and is consenting to the guardianship of the minor.
- Each signing parent must complete and provide a separate form.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Affidavit of Parental Consent** Iowa Code § 232D.203

I certify the following: *Read, complete, and check each item if you agree.*

☐ I, _____, am the _____
Print your name *Parental relationship*

of _____ (Minor).
Initials of minor

☐ I currently have legal custody of Minor.

☐ Minor is in need of a guardianship because *Check all that apply*

- ☐ I have a physical or mental illness that prevents me from providing care and supervision of Minor.
- ☐ I am, or soon will be, incarcerated or imprisoned.
- ☐ I am, or soon will be, on active military duty.
- ☐ Other: *Explain*

_____

_____

_____

☐ I have read the Petition for Guardianship filed with this Affidavit.

☐ I understand the nature of the guardianship proposed in the Petition for Guardianship.

☐ I knowingly and voluntarily consent to the proposed guardianship.

☐ I have had sufficient opportunity to consult with an attorney regarding this matter.

Continued on next page

Rule 8.37—Form 3: Affidavit of Parental Consent, continued

Attorney Help *Check one*

A. ☐ An attorney did not help me prepare or fill in this paper.

B. ☐ An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

_____
Name of attorney or organization, if any

_____
Business address of attorney or organization

_____ _____ _____
City *State* *ZIP code*

(_____) _____ _____
Phone number *Fax number*

_____ _____
Email address *Additional email address, if applicable*

Oath and signature of parent

I, _____, have read this Affidavit, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Affidavit is true and correct.

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

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

**Handwrite your signature on this form. Scan the form after signing it and file it electronically.*

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 4: *Guardian's Initial Care Plan for Protected Minor*

Instructions:

- Guardian must complete, sign, and file this form with the court within sixty (60) days of appointment.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Initial Care Plan is to provide the court with a complete picture of Protected Minor's current situation, Protected Minor's needs, and Guardian's plan to meet those needs.
- Provide as much detailed information as possible.

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Guardian's Initial Care Plan for Protected Minor** Iowa Code § 232D.501(1)(*a*)

Guardian states as follows:

1. Guardian's information

A. Guardian's name:

_____
Full name: first, middle, last

B. Guardian is Minor's: *Check one*

☐ Grandparent

☐ Adult sibling

☐ Other: _____

2. Minor's information

A. Minor's age: _____.

B. Reason for guardianship:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

3. Minor's residence and interaction with Guardian

A. Does Minor currently live with Guardian? *Check* Yes *or* No *below.*

☐ Yes

If you checked Yes*, complete the next section.*

Describe Guardian's daily interaction with Minor:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ No

If you checked No*, complete* (1)–(6).

(1) Minor's current residence:

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(2) Date Minor began living at current residence:

_____ _____, 20____.
Month *Day* *Year*

(3) Explain why Minor does not live with Guardian:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(4) How often does Guardian plan to visit or have other contacts (e.g., by mail, email, social media, and phone) with Minor? *Check all that apply*

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

Continued on next page

(5) How does Guardian plan to interact with Minor? *Check all that apply*

☐ In person

☐ Mail, email, or social media

☐ Phone

☐ Other: _____

(6) Describe the types of activities with or on behalf of Minor that Guardian plans:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Does Minor's current living situation best meet Minor's future needs?

☐ Yes ☐ No

If No, describe Guardian's plan for meeting those needs:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

4. Minor's expenses

A. Estimate of Minor's expenses:

Type of expense	**Amount estimated** *Check one* ☐ **monthly** ☐ **annual**
(1) Food *At home and restaurants*	$
(2) Clothing	$

Continued on next page

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

(3) Medical, dental *Not health insurance payments – see (7).*	$
(4) Transportation	$
(5) Phone *If applicable*	$
(6) Internet *If applicable*	$
(7) Health insurance	$
(8) Educational or vocational training expenses	$
(9) Other expense *Identify:*	$
(10) Other expense *Identify:*	$
(11) Other expense *Identify:*	$
(12) Other expense *Identify:*	$
(13) Totals from attached sheets, if any ☐ *Check this box if you have attached a sheet with additional information regarding expenses.*	$
Total expenses	$

Continued on next page

B. Who will pay Minor's expenses? *Check all that apply*

☐ Guardian

☐ One or both of Minor's parents

☐ A court-appointed conservator:

_____
Conservator's full name: first, middle, last

_____
Conservator's mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

☐ Other: _____

C. If Guardian is responsible for paying Minor's expenses, describe Guardian's plan for payment of Minor's living expenses and other expenses:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

5. Minor's health

A. Minor's physical health

(1) Describe Minor's current medical health status, identifying any medical concerns:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Guardian's plan for meeting Minor's medical care needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Minor's dental health

(1) Describe Minor's current dental health status, identifying any dental health concerns:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(2) Guardian's plan for meeting Minor's dental health care needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Minor's mental health

(1) Describe Minor's current mental health status, identifying any mental, cognitive, behavioral, or emotional concerns:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Guardian's plan for meeting Minor's mental, cognitive, behavioral, or emotional needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

D. Other health concerns

(1) Identify any other health care concerns related to Minor:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(2) Guardian's plan for meeting other health care concerns identified:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

6. Minor's education

A. Minor is: *Check one*

☐ Preschool age

If you checked the above box, complete the next section.

Is Minor receiving services from a preschool educational program (e.g., Early Access or Head Start)?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

☐ School age and enrolled in or attending school

If you checked the above box, complete the next section.

Minor's school information:

_____
School name where Minor is enrolled or attending

_____
School mailing address

_____ _____ _____
City *State* *ZIP code*

☐ School age but not enrolled in or attending school

If you checked the above box, complete the next section.

Explain how Minor's educational needs will be met:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Does Minor receive or need special education or related services?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Does Minor receive or need vocational or training services?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

D. Guardian's plan for meeting Minor's future educational, training, and vocational needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

7. Other professional services

A. Does Minor require any professional services other than those listed above?

☐ Yes ☐ No

If you checked Yes*, complete* B *and* C*, otherwise skip to* **8**.

B. Other professional services Minor requires:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Guardian's plan to provide the professional services required:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

8. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

A. Information regarding Minor's legal parent:

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

(2) Will arrangements be made for regular contacts between Minor and this parent?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Information regarding Minor's other legal parent (if applicable):

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

Continued on next page

(2) Will arrangements be made for regular contacts between Minor and this parent?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Will arrangements be made for regular contacts between Minor and other relatives (e.g., siblings, grandparents, aunts, and uncles)?

☐ Yes

If you checked Yes*, complete the following sections as appropriate.*

(1) Relative's name: _____.

Relationship to Minor: _____.

Describe arrangements planned for contact with this person:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Relative's name: _____.

Relationship to Minor: _____.

Describe arrangements planned for contact with this person:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ *Check this box if you have attached a sheet with additional relatives.*

☐ No

If you checked No*, complete the next section.*

Explain why:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

9. Additional information

Additional information that may be useful for the court to know in determining what is in Minor's best interest:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

Rule 8.37—Form 4: Guardian's Initial Care Plan for Protected Minor, continued

10. Fees for Guardian
Check one

☐ Fees are applied for. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are waived.

11. Fees for Guardian's attorney
Check one

☐ Fees should be set by the court. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are not requested.

☐ Fees are waived or not applicable.

12. Attorney Help *Check one*

A. ☐ An attorney did not help me prepare or fill in this paper.

B. ☐ An attorney helped me prepare or fill in this paper.

If you check B*, you must fill in the following information:*

_____
Name of attorney or organization, if any

_____
Business address of attorney or organization

_____ _____ _____
City *State* *ZIP code*

(_____) _____ _____
Phone number *Fax number*

_____ _____
Email address *Additional email address, if applicable*

13. Oath and signature of Guardian

I, _____, have read this Initial Care Plan, and I certify
Print your name

under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Initial Care Plan is true and correct.

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

_____
Mailing address

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

**Handwrite your signature on this form. Scan the form after signing it and file it electronically.*

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 5: *Guardian's Annual Report for Protected Minor*

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the close of the reporting period.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Annual Report is to provide the court with a complete picture of Protected Minor's current situation as well as developments that occurred during the reporting period.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Guardian's Annual Report for Protected Minor** Iowa Code § 232D.501(1)(*b*)

Guardian states as follows:

1. Reporting period

This report is for the period from: _____/_____/_____to_____/_____/_____.
Month Day Year Month Day Year

2. Guardian's information

A. Guardian's name:

_____
Full name: first, middle, last

B. Guardian is Minor's: *Check one*

☐ Grandparent

☐ Adult sibling

☐ Other: _____

3. Minor's information

Minor's age: _____.

Continued on next page

4. Continuation of guardianship

A. Guardianship is recommended to be: *Check one*

☐ Continued

☐ Terminated

If you checked Terminated, *provide an explanation. A court hearing may be required on the matter of termination.*

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Ability of Guardian to continue as guardian: *Check one*

☐ Guardian is able and willing to continue as Guardian.

☐ Guardian is unable or unwilling to continue as Guardian. Explain why:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Assistance requested:

Identify any assistance Guardian needs in providing or arranging for care of Minor.

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

5. Minor's residence and interaction with Guardian

A. Does Minor currently live with Guardian? *Check* Yes *or* No *below.*

☐ Yes

If you checked Yes*, complete the next section.*

Describe Guardian's daily interaction with Minor during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ No

If you checked No*, complete sections* (1)–(5).

(1) Minor's current residence:

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(2) Date Minor began living at current residence:

_____ _____, 20____.
Month *Day* *Year*

(3) Explain why Minor does not live with Guardian:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(4) What types of contacts did Guardian have with Minor during the reporting period and how often? *Check all that apply*

☐ In person

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

Continued on next page

☐ Mail, email, or social media

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

☐ Phone

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

☐ Other type of contact: _____

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

(5) Summarize the types of activities with or on behalf of Minor that Guardian performed during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Does Minor's current living situation best meet Minor's future needs?

☐ Yes ☐ No

If No, describe Guardian's plan for meeting those needs:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

6. Minor's expenses

A. Estimate of Minor's expenses for the next reporting period:

Type of expense	**Amount estimated** *Check one* ☐ **monthly** ☐ **annual**
(1) Food *At home and restaurants*	$
(2) Clothing	$
(3) Medical, dental *Not health insurance payments – see (7).*	$
(4) Transportation	$
(5) Phone *If applicable*	$
(6) Internet *If applicable*	$
(7) Health insurance	$
(8) Educational or vocational training expenses	$
(9) Other expense *Identify:*	$
(10) Other expense *Identify:*	$
(11) Other expense *Identify:*	$
(12) Other expense *Identify:*	$
(13) Totals from attached sheets, if any ☐ *Check this box if you have attached a sheet with additional information regarding expenses.*	$
Total expenses	$

Continued on next page

B. Who will pay Minor's expenses? *Check all that apply*

☐ Guardian

☐ One or both of Minor's parents

☐ A court-appointed conservator:

_____
Conservator's full name: first, middle, last

_____
Conservator's mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

☐ Other: _____

C. If Guardian is responsible for paying Minor's expenses, describe Guardian's plan for payment of Minor's living expenses and other expenses during the next reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

7. Minor's health

A. Minor's physical health

(1) Summarize Minor's medical health status during the reporting period, identifying any medical concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Guardian's plan for meeting Minor's future medical care needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Minor's dental health

(1) Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(2) Guardian's plan for meeting Minor's future dental health care needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Minor's mental health

(1) Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Guardian's plan for meeting Minor's future mental, cognitive, behavioral, or emotional needs:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

D. Other health concerns

(1) Summarize any other health care concerns related to Minor that occurred during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(2) Guardian's plan for meeting other health care concerns identified:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

8. Minor's education

A. Minor is: *Check one*

☐ Preschool age

If you checked the above box, complete the next section.

Did Minor receive services from a preschool educational program (e.g., Early Access or Head Start) during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

☐ School age and enrolled in or attending school

If you checked the above box, complete the next section.

Minor's school information:

_____
School name where Minor is enrolled or attending

_____
School mailing address

_____ _____ _____
City *State* *ZIP code*

☐ School age but not enrolled in or attending school

If you checked the above box, complete the next section.

Explain how Minor's educational needs were met during the reporting period and how Minor's educational needs will be met in the future:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Did Minor receive special education or related services during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Did Minor receive vocational or training services during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

D. Guardian's plan for meeting Minor's educational, training, and vocational needs during the next reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

9. Other professional services

A. Did Minor receive any professional services other than those listed above during the reporting period?

☐ Yes ☐ No

If Yes, describe the other professional services Minor received during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Does Guardian plan to provide Minor with any professional services other than those listed above during the next reporting period?

☐ Yes ☐ No

If Yes, describe the other professional services Guardians plan to provide Minor during the next reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

10. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

A. Information regarding Minor's legal parent:

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

(2) How often did this parent interact with Minor during the reporting period?

☐ No visits

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

(3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(4) Will arrangements be made for regular contacts between Minor and this parent during the next reporting period?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

B. Information regarding Minor's other legal parent (if applicable):

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

(2) How often did this parent interact with Minor during the reporting period?

☐ No visits

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

(3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(4) Will arrangements be made for regular contacts between Minor and this parent during the next reporting period?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Did Minor interact with any other relatives during the reporting period?

☐ Yes

If you checked Yes*, complete the following sections as appropriate.*

(1) Relative's name: _____.

Relationship to Minor: _____.

Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Will arrangements be made for regular contacts between Minor and this relative during the next reporting period?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

(2) Relative's name: _____.

Relationship to Minor: _____.

Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Will arrangements be made for regular contacts between Minor and this relative during the next reporting period?

☐ Yes ☐ No

If Yes, describe the arrangements. If No, explain why.

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ *Check this box if you have attached a sheet with additional relatives.*

☐ No

If you checked No*, complete the next section.*

Explain why:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

11. Additional information

Additional information that may be useful for the court to know in determining what is in Minor's best interest:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

12. Fees for Guardian

Check one

☐ Fees are applied for. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are waived.

13. Fees for Guardian's attorney

Check one

☐ Fees should be set by the court. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are not requested.

☐ Fees are waived or not applicable.

14. Attorney Help *Check one*

A. ☐ An attorney did not help me prepare or fill in this paper.

B. ☐ An attorney helped me prepare or fill in this paper.

If you check B*, you must fill in the following information:*

_____
Name of attorney or organization, if any

_____
Business address of attorney or organization

_____ _____ _____
City *State* *ZIP code*

(_____) _____ _____
Phone number *Fax number*

_____ _____
Email address *Additional email address, if applicable*

Continued on next page

15. Oath and signature of Guardian

I, _____, have read this Annual Report, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Annual Report is true and correct.

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

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

**Handwrite your signature on this form. Scan the form after signing it and file it electronically.*

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rule 8.37 — Form 6: *Guardian's Final Report for Protected Minor*

Instructions:

- Guardian must complete, sign, and file this form with the court within thirty (30) days of the termination of the guardianship.
- Do not include protected information such as Protected Minor's name. For protected information, complete Rule 8.37—Form 1: Protected Information Disclosure.
- The purpose of the Final Report is to provide the court with a complete picture of Protected Minor's current situation as well as developments that occurred during the reporting period prior to the termination of the guardianship.
- Provide as much detailed information as possible. Do not include responses such as "same as last report" or "no change since last report."

If you do not understand how to use this form, or if you are unsure whether you should use this form, talk to an attorney.

In the Iowa District Court for _____ County (Juvenile Division)

In the Matter of the Guardianship of: _____ *Initials of Protected Minor* **Protected Minor.**	Juvenile no._____ **Guardian's Final Report for Protected Minor** Iowa Code § 232D.501(1)(*c*)

Guardian states as follows:

1. Reporting period

This report is for the period from: _____/_____/_____to_____/_____/_____.
Month Day Year Month Day Year

2. Guardian's information

A. Guardian's name:

_____
Full name: first, middle, last

B. Guardian is Minor's: *Check one*

☐ Grandparent

☐ Adult sibling

☐ Other: _____

3. Minor's information

Minor's age: _____.

Continued on next page

4. Termination of guardianship

The guardianship has been or should be terminated because: *Check one*

☐ Minor is no longer a minor

☐ Minor is deceased

☐ Minor is now adopted

☐ Minor is now emancipated

☐ A different guardian was appointed

☐ Other reason:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

5. Minor's residence and interaction with Guardian

Does Minor currently live with Guardian? *Check* Yes *or* No *below.*

☐ Yes

If you checked Yes*, complete the next section.*

Describe Guardian's daily interaction with Minor during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ No

If you checked No*, complete sections* (1)–(5).

(1) Minor's current residence:

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(2) Date Minor began living at current residence:

_____ _____, 20____.
Month *Day* *Year*

Continued on next page

(3) Explain why Minor does not live with Guardian:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(4) What types of contacts did Guardian have with Minor during the reporting period and how often? *Check all that apply*

☐ In person

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Other: _____

☐ Mail/email

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Other: _____

☐ Phone

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Other: _____

☐ Other type of contact: _____

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Other: _____

Continued on next page

(5) Summarize the types of activities with or on behalf of Minor that Guardian performed during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

6. Minor's expenses

A. Who will paying Minor's expenses after the termination of this guardianship? *Check all that apply*

☐ Guardian

☐ Another guardian

☐ One or both of Minor's natural parents

☐ A court-appointed conservator

☐ Other: _____

B. Information regarding payer of Minor's expenses:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

7. Minor's health

A. Minor's physical health

Summarize Minor's medical health status during the reporting period, identifying any medical concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

B. Minor's dental health

Summarize Minor's dental health status during the reporting period, identifying any dental concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Minor's mental health

Summarize Minor's mental health status during the reporting period, identifying any mental, cognitive, behavioral, or emotional concerns that occurred:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

D. Other health concerns

Summarize any other health care concerns related to Minor that occurred during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

8. Minor's education

A. Minor is: *Check one*

☐ Preschool age

If you checked the above box, complete the next section.

Did Minor receive services from a preschool educational program (e.g., Early Access or Head Start) during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ School age and enrolled in or attending school

If you checked the above box, complete the next section.

Minor's school information:

_____
School name where Minor is enrolled or attending

_____
School mailing address

_____ _____ _____
City *State* *ZIP code*

☐ School age but not enrolled in or attending school

If you checked the above box, complete the next section.

Explain how Minor's educational needs were met during the reporting period and how Minor's educational needs will be met in the future:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

B. Did Minor receive special education or related services during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

C. Did Minor receive vocational or training services during the reporting period?

☐ Yes ☐ No

If Yes, describe the services:

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

9. Other professional services

Did Minor receive any professional services other than those listed above during the reporting period?

☐ Yes ☐ No

If Yes, describe the other professional services Minor received during the reporting period:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

10. Minor's contact with parents and other relatives

For purposes of this section, a "legal parent" is a person who is recognized by law as a parent to the child because of a birth certificate, affidavit, child support order, or other legal document.

A. Information regarding Minor's legal parent:

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

(2) How often did this parent interact with Minor during the reporting period?

☐ No visits

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

(3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

B. Information regarding Minor's other legal parent (if applicable):

(1) Contact information:

_____
Full name: first, middle, last

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

(2) How often did this parent interact with Minor during the reporting period?

☐ No visits

☐ Daily

☐ Weekly

☐ Monthly

☐ Other: _____

(3) If this parent interacted with Minor during the reporting period, describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

Continued on next page

C. Did Minor interact with any other relatives during the reporting period?

☐ Yes

If you checked Yes*, complete the following sections as appropriate.*

(1) Relative's name: _____.

Relationship to Minor: _____.

Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

(2) Relative's name: _____.

Relationship to Minor: _____.

Describe the interactions, including whether the interactions were in person, and provide a summary of the interactions:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

☐ *Check this box if you have attached a sheet with additional relatives.*

Continued on next page

☐ No

If you checked No, *complete the next section.*

Explain why:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information.*

11. Additional information

Additional information that may be useful for the court to know in determining what is in Minor's best interest:

_____

_____

_____

_____

_____

_____

☐ *Check this box if you have attached a sheet with additional information*

12. Fees for Guardian

Check one

☐ Fees are applied for. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are waived.

13. Fees for Guardian's attorney

Check one

☐ Fees should be set by the court. *Attach affidavit relative to compensation (Iowa Code section 633.202).*

☐ Fees are not requested.

☐ Fees are waived or not applicable.

Continued on next page

Rule 8.37—Form 6: Guardian's Final Report for Protected Minor, continued

14. Attorney Help *Check one*

A. ☐ An attorney did not help me prepare or fill in this paper.

B. ☐ An attorney helped me prepare or fill in this paper.

If you check B*, you must fill in the following information:*

_____
Name of attorney or organization, if any

_____
Business address of attorney or organization

_____ _____ _____
City *State* *ZIP code*

(_____) _____ _____
Phone number *Fax number*

_____ _____
Email address *Additional email address, if applicable*

15. Oath and signature of Guardian

I, _____, have read this Final Report, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Final Report is true and correct.

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

_____
Mailing address

_____ _____ _____
City *State* *ZIP code*

(_____) _____
Phone number

_____ _____
Email address *Additional email address, if applicable*

**Handwrite your signature on this form. Scan the form after signing it and file it electronically.*

[Court Order December 12, 2019, temporarily effective December 12, 2019, permanently effective February 11, 2020]

Rules 8.38 to **8.40** Reserved.

RESTRAINT OF JUVENILES DURING COURT PROCEEDINGS

Rule 8.41 Routine use of restraints prohibited.

8.41(1) Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, cloth and leather restraints, and other similar items, will not be used on a child during a court proceeding unless the juvenile court upon the recommendation of the juvenile court officer or the county attorney makes a finding on the record that restraints are necessary due to any of the following:

a. Recent behavior of the child has placed others at risk of substantial physical harm.

b. Sufficient grounds to believe the child is a substantial flight risk.

c. Sufficient grounds to show restraints are necessary to prevent physical harm to the child or another person during the court proceeding.

d. There are no less restrictive alternatives to restraints, including the presence of a security officer. The juvenile court officer is not considered a security officer.

8.41(2) If the juvenile court officer or the county attorney recommends that restraints are necessary, the juvenile court officer or county attorney must provide notice to the court and the child's attorney outlining the circumstances supporting that recommendation prior to the child's appearance in each court proceeding or as soon as practicable. If notice is not given in writing, a record must be made at the court proceeding.

8.41(3) The child's attorney, the juvenile court officer, and the county attorney must have an opportunity to be heard before the court prior to any court proceeding for which any recommendation to restrain the child has been made.

8.41(4) For subsequent court proceedings in the same case, the court may rely on a previous finding if the security circumstances relating to the child have not materially changed.

8.41(5) Any restraint must allow the child limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances should a child be restrained using fixed restraints to a wall, floor, or furniture.

8.41(6) Any restraint of children in the courtroom must balance legitimate security needs against the care, protection, and positive mental and physical development of the child while preserving the dignity and decorum of the courtroom and security of the court proceeding and court personnel.

[Court Order October 25, 2017, effective December 26, 2017]

CHAPTER 9
CHILD SUPPORT GUIDELINES

Rule 9.1	Guidelines adopted
Rule 9.2	Applicability
Rule 9.3	Purpose
Rule 9.4	Guidelines — rebuttable presumption
Rule 9.5	Income
Rule 9.6	Guideline method for computing taxes
Rule 9.7	Qualified additional dependent deduction
Rule 9.8	Deduction amount and use
Rule 9.9	Extraordinary visitation credit
Rule 9.10	Child support guidelines worksheet
Rule 9.11	Variance from guidelines
Rule 9.11A	Variance for child care expenses
Rule 9.12	Medical Support Order
Rule 9.13	Stipulation for child and medical support — court review
Rule 9.14	Method of Computation
Rules 9.15 to 9.25	Reserved
Rule 9.26	Child Support Guidelines Schedule
Rule 9.27	Child Support Guidelines Worksheets
	Form 1: Child Support Guidelines Worksheet
	Form 2: Child Support Guidelines Worksheet
	Form 3: Child Support Guidelines Financial Information Statement

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 abuse 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]

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
( ) CSRU median income	( ) CSRU 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 the Child Support Recovery Unit prepared this form, CSRU is not required to obtain signatures.
This Child Support Guidelines Worksheet was prepared by:

_____
(CSRU 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]

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 hawk-i?	Yes	No
What is your total monthly hawk-i 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 hawk-i?	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]

CHAPTER 20
COURT RECORDS

Rule 20.1	Court records
Rule 20.2	Reports and transcripts of court proceedings
Rule 20.3	Records of the Supreme Court and Court of Appeals
Rule 20.4	Purging of case files
Rule 20.5	Purging of case files—lists

CHAPTER 20
COURT RECORDS

Rule 20.1 Court records. The rules in this chapter govern the creation, storage, retention, duplication, reproduction, disposition, destruction of, and public access to records of the judicial branch of government.

20.1(1) "Records of the judicial branch of government" are all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the judicial branch of government and consist of court records and administrative records.

20.1(2) "Court records" are the contents of the court file, including the docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and any record of court proceedings produced by means authorized by the supreme court.

20.1(3) "Administrative records" are all records other than court records made or received by the judicial branch pursuant to court rule or state law, or in connection with the transaction of official business of any judicial branch entity.

[Court Order January 6, 2010]

Rule 20.2 Reports and transcripts of court proceedings. The supreme court shall designate the types of court proceedings that must be reported and prescribe the manner, procedures and equipment to be used for creating, retaining, duplicating, reproducing and destroying a report of any proceeding in any court in this state.

[Court Order January 6, 2010]

Rule 20.3 Records of the Supreme Court and Court of Appeals. The clerk of the supreme court may:

20.3(1) Reproduce original records of the supreme court and of the court of appeals by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, computer cards, and electronic digital format. The reproduced record has the same authenticity as the original record.

20.3(2) After the original record is reproduced, the clerk of the supreme court may destroy the original records.

[Court Order October 26, 2017]

Rule 20.4 Purging of case files.

20.4(1) Each clerk of the district court may purge civil case files ten years after final disposition. For purposes of this rule and rule 20.5, civil case files do not include juvenile, mental health, probate, or adoption proceedings. Each district court clerk may purge criminal case files ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this rule and rule 20.5, "purging" means the removal and destruction of documents in the case file which have no legal, administrative or historical value. The documents are to be retained or discarded in accordance with the purging lists in rule 20.5.

20.4(2) Purging shall be done prior to reproduction of an entire court file in preparation for destruction under Iowa Code section 602.8103. A file shall be purged only once, pursuant to the provisions of this rule in effect at the time of purging.

20.4(3) Each clerk of the district court shall designate either the clerk or a deputy as the "Records Management Specialist." The records management specialist shall be responsible for implementing office procedures for records management and retention, including the implementation of this rule. The records management specialist shall be the local supervisor who will answer questions about purging any documents not on the lists provided in rule 20.5. Any question not answerable by the records management specialist shall be referred to the district court administrator, who may refer questions to the state court administrator.

20.4(4) The district court clerk need not give notice to any agency, attorney, party, or other group before purging any files under this rule and rule 20.5. Any government agency, historical society, group, or person may request and obtain any or all purged documents upon making written request

to the local district court clerk, and tendering payment therefor. District court clerks shall cooperate with reasonable requests of local and state historical societies when implementing purging operations.

20.4(5) Case files will be excepted from this rule only upon court order signed by a majority of the district judges of that district. The order may prohibit purging specific court files in whole or part, and must state the reason for the prohibition.

20.4(6) Purging of case files in proceedings involving parental notification of a minor's abortion under Iowa Code chapter 135L shall be in accordance with Iowa Ct. R. 8.32(3).

20.4(7) Orders appointing condemnation commissioners shall be retained for five years and then destroyed without reproduction.

20.4(8) One year after filing, district court clerks may destroy, without reproduction, "Confidential Information Forms" filed pursuant to Iowa Code section 602.6111.

[Court Order November 9, 2001, effective February 15, 2002; October 26, 2017]

COMMENT: Rule 20.4 formerly appeared as Iowa Court Rule 22.37. [Court Order October 26, 2017]

Rule 20.5 Purging of case files—lists.

20.5(1) Civil case files.

a. Retain in files:

(1) Original notice.
(2) Petition.
(3) Return of service—affidavit of publication, certificate of state official (long arm/nonresident motorist, foreign corporations).
(4) Answer.
(5) Cross-petition.
(6) Answer to cross-petition.
(7) Counterclaim.
(8) Signed orders (original signed by judge).
(9) Decisions or decrees of court opinions.
(10) Amended pleadings (see nos. 2, 4, 5, 6, or 7).
(11) Writs issued (return of service).
(12) Entry of judgment.
(13) Dismissal.
(14) Jury verdict form (signed).
(15) Notice of appeal.
(16) Procedendo from clerk of supreme court.
(17) Agreement for judgment.
(18) Offer to confess judgment.
(19) Acceptance of offer to confess judgment.
(20) Execution/special execution.
(21) Return on execution/sheriff's sale.
(22) Stipulations.
(23) Partial satisfactions.
(24) Special appearance.
(25) Claim for return of seized property.
(26) Application for forfeiture of seized property.
(27) Release and/or satisfaction.

b. Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):

(1) All duplicates of original documents.
(2) Bonds.
(3) Motions/Applications:
  1. Amend
  2. Change venue
  3. Dismiss/demurrer

4. Strike
5. Quash
6. More specific statement
7. Summary judgment
8. Consolidation
9. Stay
10. Compel
11. Sanctions
12. New trial
13. Reconsideration
14. Enlarge and amend
15. Continuance
16. Consolidate or sever
17. Judgment notwithstanding verdict
18. Examinations of judgment debtor
19. Substitute party
20. Withdrawal of attorney
21. Condemn funds
22. Citation for contempt

(4) Response to any motion.
(5) Briefs.
(6) Notice of deposition.
(7) Deposition transcripts.
(8) Interrogatories and answers.
(9) Notice of interrogatories.
(10) Request for production.
(11) Response to request for production.
(12) Request for admissions and responses.
(13) Pretrial compliance reports.
(14) Trial certificates.
(15) Objections to trial certificate.
(16) Subpoenas.
(17) Proposed jury instructions.
(18) Witness lists; exhibits lists.
(19) Correspondence.
(20) Directions to sheriff for service.
(21) Demand for jury trial.
(22) Certificate of reporters re: costs of or taking deposition.
(23) Order condemning funds.
(24) Scheduling order or notices.
(25) Orders that only set hearings.
(26) Strike list notices.
(27) Warrant for arrest of contemnor.
(28) Entry of default.
(29) Jury instructions.
(30) Receipts for exhibits.
(31) Praecipe.
(32) Affidavit of amount due.
(33) Affidavit of payments made.

20.5(2) Criminal case files.

a. Retain in files:

(1) Trial information and minutes of testimony.
(2) Indictment.
(3) Amended trial information.
(4) Written plea of guilty.
(5) Opinion or decision of court.
(6) All orders of court, except those only setting a hearing.
(7) Jury instructions.
(8) Jury verdict (signed).
(9) Notice of appeal.
(10) Procedendo from clerk of supreme court.
(11) Notice of dismissal of appeal.
(12) Judgment entry.
(13) Sentencing entry.
(14) Presentence investigation report and associated reports.

b. Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):

(1) All duplicates of original documents.
(2) All copies and originals of jail booking forms and receipts.
(3) All subpoenas issued and returned.
(4) Written stipulations.
(5) Warrant for arrest.
(6) Return on warrant.
(7) Bail bonds.
(8) Recognizance agreements to appear.
(9) Written arraignment.
(10) Motions:
1. To suppress and response
2. Change of venue and response
3. Limine and response
4. To dismiss and response
5. To sever trial and response
6. Bill of particulars and response
7. To amend trial information
8. For appointment of counsel
9. For withdrawal of counsel
10. To determine competency
11. To consolidate trial
12. For continuance
13. To correct sentence
14. Reduction of bail or review conditions of release
15. To revoke bail or pretrial release
16. To forfeit bail
17. To compel
(11) Orders that only set hearings.
(12) Briefs.
(13) Proposed or requested jury instructions.
(14) Pretrial conference reports, minutes, or orders.
(15) Notices of depositions.
(16) Scheduling notices.

(17) Requests for transcripts.
(18) Registered mail receipt cards or letters returned.
(19) Receipts for evidence.
(20) Correspondence from attorneys.
(21) Nonsubstantive correspondence from defendants.
(22) Application to revoke probation, or to adjudicate guilt, or to revoke deferred judgment.
(23) Magistrate's transcript.
(24) Complaint forms.
(25) Media coordinator requests.
(26) Appearance of attorney.
(27) Witness lists.
(28) Notice of special defense, (i.e., insanity, intoxication, alibi, duress, etc.).
(29) Iowa R. Crim. P. 2.14(2)(*a*), disclosure required upon receipt (Notice).
(30) Application for search warrant.
(31) Return on search warrant.

20.5(3) Divorce/Dissolution of Marriage/Separate Maintenance/Child Support and Paternity case files.

a. Retain in files:

(1) Original notice.
(2) Petition for divorce, separate maintenance, dissolution of marriage, child support, or to determine paternity.
(3) Return of service—affidavit of publication.
(4) Acceptance of service.
(5) Answer.
(6) Cross-petition.
(7) Answer to cross-petition.
(8) Signed orders (original signed by judge).
(9) Decrees or decisions of court.
(10) Amended pleadings (see nos. 2, 5, 6, or 7).
(11) Writs issued (return of service).
(12) Entry of default.
(13) Dismissal.
(14) Notice of appeal.
(15) Procedendo from clerk of supreme court.
(16) Paternity test results.
(17) Petition or application for modification.
(18) Answer to petition or application for modification.
(19) Order for temporary support or temporary custody.
(20) Stipulations.
(21) Execution/special execution.
(22) Satisfaction/partial satisfaction.
(23) Appearance by attorney or party.
(24) Assignments of judgments and terminations of assignments.
(25) Financial affidavits.
(26) Child support worksheets.
(27) Confidential information required under Iowa Code section 598.22B.

b. Discard from files:

(1) All duplicates of original documents.
(2) Bonds.

(3) Motions/applications:
1. Amend
2. Change venue
3. Dismiss/demurrer
4. Strike
5. Quash
6. More specific statement
7. Stay
8. Compel
9. Sanctions
10. New trial
11. Reconsideration
12. Enlarge and amend (Iowa R. Civ.P. 1.904(2))
13. Continuance
14. Examinations of judgment debtor
15. Withdrawal of attorney
16. Condemn funds
17. Citation for contempt

(4) Response to any motion.
(5) Briefs.
(6) Notice of deposition.
(7) Depositions transcripts.
(8) Interrogatories and answers to interrogatories.
(9) Notice of interrogatories.
(10) Requests for production.
(11) Response to requests for production.
(12) Requests for admissions and responses.
(13) Trial certificates.
(14) Objections to trial certificates.
(15) Subpoenas.
(16) Correspondence.
(17) Directions to sheriff for service.
(18) Certificate of reporters re: costs of or taking depositions.
(19) Order condemning funds.
(20) Scheduling order or notices.
(21) Orders that only set hearings.
(22) Warrant for arrest of contemnor.
(23) Strike list notices.
(24) Receipts for exhibits.
(25) Proof of service by Child Support Services.
(26) Certificate of completion of parent education program.

[Court Order February 17, 1989, effective April 15, 1989; July 26, 1996; October 3, 1997; November 25, 1998; October 27, 1999; November 9, 2001, effective February 15, 2002; October 26, 2017; June 30, 2023, effective July 1, 2023]

COMMENT: Rule 20.5 formerly appeared as Iowa Court Rule 22.38. Rule 20.5 conforms to standard court rule numbering. [Court Order October 26, 2017]

CHAPTER 22
JUDICIAL ADMINISTRATION

Rule 22.1	Supervision of courts
Rule 22.2	Recall and transfer of judges
Rule 22.3	Selection of chief judges
Rule 22.4	Order appointing chief judge
Rule 22.5	Duties and powers of chief judges
Rule 22.6	Court and trial sessions
Rule 22.7	Case assignment
Rule 22.8	Judicial district scheduling
Rule 22.9	Change of venue to another judicial district
Rule 22.10	Judges — monthly report
Rule 22.11	Practice of law by judges
Rule 22.12	Senior judges
Rule 22.13	Service by retired judges
Rule 22.14	Judicial vacation
Rule 22.15	Quasi-judicial business
Rule 22.16	Preaudit travel claims of judiciary — definitions
Rule 22.17	Reimbursable travel
Rule 22.18	Transportation
Rule 22.19	Lodging
Rule 22.20	Meals
Rule 22.21	Miscellaneous travel provisions
Rule 22.22	Gifts
Rule 22.23	Honoraria
Rule 22.24	Interests in public contracts
Rule 22.25	Services against the state
Rule 22.26	Personal disclosure
Rule 22.27	Definitions
Rule 22.28	Transcripts — rates for transcribing a court reporter's official notes
Rule 22.29	Marriage fees received by a judicial officer
Rule 22.30	Use of signature facsimile
Rule 22.31	Juror compensation
Rule 22.32	Magistrates — annual school of instruction
Rule 22.33	Nepotism
Rule 22.34	Judicial branch appointments
Rule 22.35	Service copies
Rule 22.36	Paper size and requested copies
Rules 22.37 and 22.38	Reserved
Rule 22.39	Staffing offices of clerks of court
Rule 22.40	Public business hours of offices of clerks of court
Rule 22.41	Treatment courts

CHAPTER 22
JUDICIAL ADMINISTRATION

Rule 22.1 Supervision of courts. The supreme court, by and through the chief justice, shall exercise supervisory and administrative control over all trial courts in the state, and over the judges and other personnel thereof, including but not limited to authority to make and issue any order a chief judge may make under rule 22.5, or to modify, amend or revoke any such order or court schedule.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.2 Recall and transfer of judges. The supreme court by and through the chief justice may at any time order the recall of eligible retired judges for active service, and the transfer of active judges and other court personnel from one judicial district to another to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.3 Selection of chief judges. Not later than December 15 in each odd-numbered year the chief justice, with the approval of the supreme court, shall appoint from the district judges of each district one of their number to serve as chief judge. The judge so appointed shall serve for a two-year term and shall be eligible for reappointment. Vacancies in the office of chief judge shall be filled in the same manner within 30 days after the vacancy occurs. During any period of vacancy the judge of longest service in the district shall be the acting chief judge.
[Report 1969; Court Order October 31, 1997, effective January 24, 1998; October 27, 1999, effective January 3, 2000; November 9, 2001, effective February 15, 2002]

Rule 22.4 Order appointing chief judge. An order appointing a chief judge shall be filed with the clerk of the supreme court who shall mail a copy to the clerk of the district court in each county in the judicial district. The clerk of the supreme court may mail the copies of the order electronically.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002; April 11, 2007]

Rule 22.5 Duties and powers of chief judges. In addition to their ordinary judicial duties, chief judges shall exercise continuing administrative supervision within their respective districts over all district courts, judges, magistrates, officials and employees thereof for the purposes stated in Iowa R. Civ. P. 1.1807. They shall by order fix times and places of holding court and designate the respective presiding judges and magistrates; they shall supervise and direct the performance of all administrative business of their district courts; they may conduct judicial conferences of their district judges, district associate judges, and magistrates to consider, study and plan for improvement of the administration of justice; and may make such administrative orders as necessary. No chief judge shall at any time direct or influence any judge or magistrate in any ruling or decision in any proceeding or matter whatsoever.

The chief judge of a judicial district may appoint from the other district judges an assistant or assistants to serve on a judicial district-wide basis and at the chief judge's pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district.
[Report 1969; amendment 1972; amendment 1979; Court Order October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 22.6 Court and trial sessions. Chief judges shall by order provide for the following:

22.6(1) A court session by a district judge at least once each week in each county of the district, announced in advance in the form of a written schedule, unless a different schedule is approved by the supreme court.

22.6(2) Additional sessions in each county for the trial of cases, and other judicial matters, of such duration and frequency as will best serve to expeditiously dispose of pending cases ready for trial, and other pending judicial matters.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.7 Case assignment. The chief judge may assign and monitor cases within the district and may delegate this authority to the district court administrator by general supervisory order or on

a case-by-case basis. District judges, district associate judges, associate juvenile judges, associate probate judges, and magistrates shall attend to any matter within their statutory jurisdiction assigned to them by the chief judge.
[Court Order May 30, 1986; February 14, 1996; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.8 Judicial district scheduling.

22.8(1) The chief judge of each judicial district shall by annual written order set the times and places of holding court within the judicial district and designate the respective presiding judges. The order shall provide for a court session at least once a week in each county of the judicial district, unless otherwise approved by the supreme court. The order shall provide for a scheduled trial session in each county of the judicial district at least four times each year, to be presided over by a different judge. In determining the schedule ordered, the chief judge shall rotate trial judges without regard to judicial election district lines to facilitate the administration of justice, integrate the district bench and promote the ideal of district administration.

22.8(2) An order of the chief judge demonstrating compliance with this rule for the next calendar year shall be filed by October 15 of the preceding calendar year with the clerk of the supreme court. Following supreme court approval, the chief judge shall file a copy of the order with the clerk of the district court in each county of the respective judicial district.
[Court Order October 15, 1985; November 9, 2001, effective February 15, 2002]

Rule 22.9 Change of venue to another judicial district.

22.9(1) *Definitions.* As used in this rule:

a. *"Receiving county"* means the county to which a change of venue is ordered.

b. *"Sending county"* means the county from which a change of venue is ordered.

22.9(2) *Communication prior to ordering a change of venue.* Before ordering a change of venue to another judicial district for trial, a judge shall communicate with the office of the chief judge of the judicial district in which the intended receiving county is located. The judge shall determine from inquiry of the chief judge or the chief judge's designee the availability of a courtroom, a jury panel if required, and any necessary court personnel in the receiving county. Subject to the approval of the chief justice, the judicial district in which the sending county is located shall provide the trial judge and court reporter for the transferred proceeding.

22.9(3) *Transmission of copies of order changing venue.* Copies of an order changing venue shall be promptly transmitted to all of the following:

a. The chief judge of the judicial district in which the receiving county is located.

b. The court administrator for the judicial district in which the receiving county is located.

c. The clerk of the district court for the receiving county.

d. The state court administrator, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

e. Any other persons required by law to receive copies of such an order.

22.9(4) *Action brought in wrong county.* This rule does not apply where the action was brought in the wrong county.
[Court Order October 20, 1981; November 9, 2001, effective February 15, 2002; April 9, 2003]
See also rule 2.11 and rule 2.65.

Rule 22.10 Judges — monthly report.

22.10(1) Each senior judge, district judge, district associate judge, full-time associate juvenile judge, full-time associate probate judge, and judicial magistrate shall report monthly to the supreme court, through the office of the state court administrator, all matters taken under advisement in any case for longer than 60 days, together with an explanation of the reasons for the delay and an expected date of decision. If no matters have been taken under advisement over 60 days, the report shall state "none." Senior judges need only file reports for those months during which they perform judicial duties or have matters under advisement.

22.10(2) Any submission shall be reported when all hearings have been completed and the matter awaits decision without further appearance of the parties or their attorney. A matter shall be deemed submitted even though briefs or transcripts have been ordered but have not yet been filed.

22.10(3) The report shall be due on the tenth day of each calendar month for the period ending with the last day of the preceding calendar month. The report shall be signed by the judge or magistrate and submitted on a form prescribed by the state court administrator.

22.10(4) A judge who is reporting a matter or matters taken under advisement for longer than 60 days shall send to the district court administrator a copy of the report forwarded to the state court administrator. The chief judge of the district shall review the copies filed in the district court administrator's office and take such action as shall be appropriate. A chief judge may elect whether to report any action taken to the supreme court. A district chief judge reporting such matters to the supreme court shall forward a copy to the liaison justice for the chief judge's judicial district.

22.10(5) The state court administrator shall promptly cause all reports received to be filed in the office of the clerk of the supreme court as records available for public inspection.

[Court Order December 15, 1977; February 20, 1981; July 16, 1984 — received for publication October 25, 1984; June 28, 1985, effective July 1, 1985; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.11 Practice of law by judges.

22.11(1) A newly appointed full-time associate juvenile judge, full-time associate probate judge, district associate judge, district judge, court of appeals judge, or supreme court justice (hereinafter, judge) may have 30 days from the date of qualifying for office pursuant to Iowa Code section 63.6, or until the vacancy in the office actually occurs, whichever is later, in which to terminate any private law practice before assuming judicial duties. No newly appointed judge shall be placed on the state payroll or assume judicial duties until such private practice is concluded.

22.11(2) In terminating a law practice, the newly appointed judge shall undertake no new matters, shall conclude those matters which can be completed within the time provided in rule 22.11(1) and shall transfer those matters which cannot be so concluded or which require trial. While in the process of terminating a private practice, the newly appointed judge shall keep court appearances to a minimum.

22.11(3) Upon good cause shown, the supreme court may extend the time in which a newly appointed judge shall comply with this rule.

22.11(4) After assuming judicial duties and being placed on the payroll, a judge shall not engage in the practice of law. The practice of law includes but is 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.

[Court Order April 29, 1980; June 28, 1985, effective July 1, 1985; July 26, 1996; December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; April 4, 2002]

Rule 22.12 Senior judges.

22.12(1) The supreme court will accept applications from judges for the senior judge program for judges who will be 62 years of age or older at the time the judge assumes senior status. The 62-years-of-age requirement in this rule is effective January 1, 2018, but it will not apply to judges who have 20 years of service prior to the effective date of this rule.

22.12(2) A senior judge must be a resident of the State of Iowa to serve as a senior judge.

22.12(3) In order for senior judges to provide the most effective service to the judicial branch, the supreme court may assign a senior judge:

a. Within the district the judge served before taking senior status.

b. To a district other than the judge served before taking senior status.

c. To more than one district.

d. To cross district lines, when necessary.

e. To conduct court-sanctioned alternative dispute resolution.

f. To the state court administrator to perform non-adjudicative duties such as working on special projects involving technology or education, mentoring other judges, or assisting the supreme court in its administrative or rule-making functions.

g. To the court of appeals to assist it in its adjudicative duties.

h. To serve in the capacity of an administrative law judge pursuant to Iowa Code section 602.9206.

i. To any other duties the supreme court may approve.

22.12(4) Prior to submitting an application to become a senior judge, the judge, the chief judge of the district, the district court administrator, and the state court administrator may meet and discuss the judge's potential assignment together with the scope and parameters of the senior judge's service. If

the judge decides to apply for senior status, the judge can request the supreme court to give that judge a preliminary determination as to whether the supreme court will approve the judge's application.

22.12(5) The supreme court, in ruling on an application for senior status, including reappointment of an applicant to an additional term, may consider the following factors:

a. The applicant's demonstration of a willingness and ability to undertake and complete all assigned work during the applicant's service as a judge or a senior judge.

b. The recommendation of the chief judge and court administrator made in consultation with other judges from the district, in the district where the judge has served.

c. The result of the most recent Iowa State Bar Association judicial performance evaluation.

d. The applicant's monthly rule 22.10 reports.

e. The applicant's agreement to perform duties as scheduled and assigned by the chief judge of the district, by an appellate court where the senior judge is assigned, or by the state court administrator.

f. The applicant's plans, if any, to regularly spend time or reside out-of-state.

g. The applicant's work or plans to work as a mediator, arbitrator, or provider of other alternative dispute resolution services.

22.12(6) A person who files an election to become a senior judge any time after the date of retirement, pursuant to Iowa Code section 602.9203, shall file written evidence with the clerk of the supreme court that the person has not engaged in the practice of law between the person's date of retirement and date of senior judge election.

22.12(7) An applicant for appointment to become a senior judge or a senior judge who applies for reappointment to an additional term shall provide evidence to the satisfaction of the supreme court that the applicant or senior judge does not suffer from a physical or mental disability or an illness that would substantially interfere with the performance of duties agreed to under this rule. Evidence shall include:

a. A statement of ability to serve by the applicant and a written opinion of a doctor of medicine or doctor of osteopathic medicine and surgery.

b. Prior to or following appointment or reappointment, a judge or senior judge must provide the court with additional information about the senior judge's physical and mental health and authorization for the release of medical information upon request.

22.12(8) A senior judge may only serve for a total period of six years. In any event, a senior judge shall cease holding office when the senior judge reaches 78 years of age. To be eligible for consideration, a senior judge must file an application for reappointment within 30 days prior to the expiration of the senior judge's term. The six-year-term-of-service limitation is effective January 1, 2018, but it will not apply to judges who have 20 years of service prior to January 1, 2018.

22.12(9) At the end of each calendar quarter, a senior judge shall file a report with the clerk of the supreme court indicating the dates on which the senior judge performed judicial or other assigned duties and the nature of the duties performed or the name of the cases over which the judge presided on each date of service. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.

22.12(10) Senior judges and applicants for appointment and reappointment to the senior judge program must provide information and reports required by this section on forms approved by the supreme court. The court administrator may require a senior judge to submit a statement of ability to serve by the senior judge and a written opinion of a doctor of medicine or doctor of osteopathic medicine and surgery.

22.12(11) The following rules shall apply to senior judges, retired judges assigned to temporary judicial duties pursuant to Iowa Code section 602.1612, and retired senior judges assigned to temporary judicial duties pursuant to section 602.1612 who wish to engage in mediation, arbitration, or other forms of alternate dispute resolution:

a. A judge covered by this rule shall not act as an arbitrator, mediator, or provider of other forms of alternate dispute resolution while assigned to judicial service or when such action will interfere with an assignment to judicial service. A judge covered by this rule shall not use the title "senior judge" or the title "judge" in any form while acting as an arbitrator or mediator.

b. A senior judge shall disclose to the parties if the senior judge has mediated a dispute involving any party or any party's insurer, lawyer, or law firm involved in a case before the senior judge, and any negotiations or agreements for the provision of mediation services between the senior judge and any party or any party's insurer, lawyer, or law firm to a case before the senior judge. A senior judge shall not preside over any case involving a party or a party's insurer, lawyer, or law firm that is using or negotiating to use the senior judge as a mediator, or has used or agreed to use the senior judge as a mediator in the past two years. A senior judge shall not serve as a mediator in any case in which the judge is currently presiding. A senior judge shall not mediate any dispute that is filed in or could be venued or filed in the judicial district or appellate court in which the judge serves. These restrictions cannot be waived by consent of the parties or lawyers. For purposes of this section, mediation includes arbitration and other forms of alternate dispute resolution.

c. At the end of each calendar quarter, a senior judge who has engaged in private mediation or dispute resolution activities during the quarter shall file a report with the clerk of the supreme court. The senior judge shall report the date or time period when the mediation occurred, the county where the mediation occurred, the county in which the dispute arose, the names of the parties, and the names of the lawyers and insurers, if any, involved in the mediation. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and to the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.

[Court Order December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; February 27, 2008; October 31, 2008, effective January 1, 2009; April 30, 2010, effective May 3, 2010; November 18, 2016, effective March 1, 2017]

Rule 22.13 Service by retired judges. No retired judge or retired senior judge shall be eligible for temporary service under the provisions of Iowa Code section 602.1612 after reaching the age of 78.

[Court Order September 30, 1987; November 9, 2001, effective February 15, 2002]

Rule 22.14 Judicial vacation.

22.14(1) Supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 27 working days of vacation per calendar year. After 15 years of service with the judicial branch, supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 32 working days of vacation per calendar year.

Vacation schedules of district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges shall be coordinated through the office of the chief judge of the district. The chief judge shall cause a record to be kept of the amount of vacation taken by each judicial officer in the district. The number of vacation days shall be prorated during the calendar years a judicial officer begins and separates from judicial service.

No more than 32 working days of accrued, unused vacation from a prior year may be carried into a calendar year. Separation from judicial office shall cancel all unused vacation time. No compensation shall be granted for unused vacation time remaining at the time of separation.

22.14(2) Schedules for judicial magistrates should be arranged by the chief judge of each district to accommodate a reasonable vacation period; however, a judicial magistrate shall not be entitled to any specific vacation days for which compensation may be granted, nor may compensation be granted for days not taken prior to separation from judicial service.

[Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; September 18, 1992, effective January 2, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002; August 29, 2002; November 22, 2004, effective January 1, 2005; June 2, 2023]

Rule 22.15 Quasi-judicial business.

22.15(1) Each supreme court justice, court of appeals judge, district judge, district associate judge, full-time associate juvenile judge, and full-time associate probate judge may take up to ten working days per calendar year for the purpose of quasi-judicial business. This right is subject to the ability of the chief judge of each district to make necessary scheduling adjustments to accommodate requests.

The ten days shall be prorated during the calendar years a judicial officer begins and separates from judicial service. The chief justice of the supreme court may authorize exceptions to this rule.

22.15(2) "Quasi-judicial business" includes teaching, speaking, attending related educational programs, courses or seminars, and those duties specified in rule 22.16(5)(*b*)(8) and rule 22.16(5)(*b*)(13) but does not include time spent on other "official duties" enumerated in rule 22.16(5)(*b*), or teaching judicial branch educational programs when prior approval is obtained from the chief judge of the appropriate judicial district and chief justice of the supreme court.

[Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; June 28, 1985, effective July 1, 1985; October 24, 1985, effective November 1, 1985; July 26, 1996; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.16 Preaudit travel claims of judiciary — definitions. As used in this rule and rules 22.17 through 22.21:

22.16(1) *"Court employee"* or *"employee of the judicial branch"* means an officer or employee of the judicial branch except for a judicial officer or a court reporter.

22.16(2) *"Court reporter"* means every full-time or temporary court reporter compensated by the judicial branch pursuant to Iowa Code section 602.1502.

22.16(3) *"Judicial officer"* means every justice, judge, district associate judge, senior judge, associate juvenile judge, associate probate judge, judicial hospitalization referee, and magistrate, appointed to serve in the state of Iowa.

22.16(4) *Official domicile.*

a. "Court employee's official domicile" means the work location to which that court employee is assigned. Transportation costs between any such employee's permanent home and that employee's official domicile are not reimbursable.

b. "Judicial officer and court reporter's official domicile." By December 15 of each year, the chief judge of the judicial district and the district court administrator shall designate a courthouse as an official domicile for each judicial officer and court reporter. The official domicile of a judicial officer and a court reporter shall be the courthouse in the county in which the judicial officer or court reporter resides unless the chief judge of the judicial district and the district court administrator agree to another location based on factors such as the percent of time spent working at another courthouse, court scheduling, or any other factor that should influence the selection of the domicile. Court reporters may reside outside of the judicial district in which they serve. If a court reporter resides outside of the judicial district in which the court reporter serves, the chief judge of the judicial district and the district court administrator shall designate the court reporter's official domicile in a county adjacent to the judicial district in which the court reporter resides. If there is a change in any of the factors that affect the court reporter's domicile location during the fiscal year, the chief judge of the judicial district and the district court administrator may change the court reporter's official domicile. Notification of official domicile must be filed by the district court administrator with the state court administrator's office by December 15 of each year.

22.16(5) *"Official duties"* means the following:

a. "Official duties" of a court reporter or court employee are the responsibilities and functions contained in the judicial branch job description for the position the individual holds.

b. "Official duties" of a judicial officer are the responsibilities and functions customarily and usually pertaining to the office of judge or referee. Subject to Iowa Code section 602.1509, and this rule and rules 22.17 through 22.21, official duties include the following:

(1) Attendance at court sittings and performance of the other work of the court.

(2) Attendance at judicial conferences called under Iowa Code section 602.1203.

(3) Attendance by district judges, district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates at district judicial conferences called by chief judges of the district court.

(4) Attendance to give testimony before committees of the general assembly, at the committees' request.

(5) Attendance at meetings of judicial nominating commissions as the judicial member of the commission.

(6) Performance of functions as a member of committees or commissions appointed by the supreme court, the chief justice, or a chief judge of the district court on court procedure, administration, or structure.

(7) Attendance at meetings when designated by the chief justice to represent the judicial branch.

(8) If approved in advance by the chief justice: attendance to serve as judge at moot court proceedings for Iowa Law School and Drake Law School not to exceed one attendance per calendar year by any one attending judge; attendance at legal or judicial educational and training sessions and courses outside the state; and attendance at meetings of national associations of chief justices, appellate court justices and judges, trial court judges, and judicial officers of limited jurisdiction.

(9) Performance by chief judges of the district court of their administrative functions.

(10) Attendance by members of the judicial council at meetings of the council and of its committees.

(11) Performance by liaison justices of their functions as such within their assigned judicial districts.

(12) Attendance by district associate judges and judicial magistrates at the Iowa judicial magistrates schools of instruction and traffic court conferences.

(13) Performance of functions for which reimbursement of travel expense is authorized by any other Iowa statute or rule of the supreme court.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004; Court Order August 31, 2020, effective September 1, 2020]

Rule 22.17 Reimbursable travel.

22.17(1) *In-state.*

a. Expenses incurred for in-state travel outside the judicial district, except expenses incurred by juvenile court officers in the discharge of their official duties, are not reimbursable unless prior approval for the travel has been given by the chief justice or the chief justice's designee on a prescribed form. In-state travel for juvenile court officers shall include travel within a 100-mile radius outside the borders of the state of Iowa. Expenses incurred for in-state travel outside the judicial district by juvenile court officers in the discharge of their official duties are not reimbursable unless approval for the travel has been given by the chief juvenile court officer of the judicial district.

b. Reimbursement under this chapter for in-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

22.17(2) *Out-of-state.*

a. Requests to attend conferences, meetings, training courses, programs, and similar gatherings which require out-of-state travel shall be submitted to the chief justice or the chief justice's designee on a prescribed form at least two weeks prior to the proposed departure date. No reimbursement of out-of-state expenses shall be made unless the trip has received prior approval of the chief justice or the chief justice's designee except as otherwise provided in this rule.

b. Reimbursement for expenses incurred for out-of-state travel by juvenile court officers in the discharge of their official duties relating to court-ordered transportation and placement shall be allowed if oral or written approval is given by the chief juvenile court officer of the judicial district and the chief justice or the chief justice's designee at any time prior to the proposed departure.

c. Reimbursement under this chapter for out-of-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.18 Transportation.

22.18(1) *Route and conveyance.* Transportation shall be by the usually traveled route. Mileage shall be based on mileage published by the department of transportation. Reimbursement shall be limited to the most economical means of conveyance available.

22.18(2) *Mileage — personal car.* Judicial officers and court employees shall be reimbursed their mileage expense when required in the discharge of official duties to travel outside their official domicile. Reimbursement shall be for the miles driven from the official domicile or employee's residence, whichever is less, to the work location. In no instance shall employees and judicial officers be reimbursed for more than actual miles driven. Carpooling is recommended whenever possible. The allowance for use of a private automobile on official judicial branch business shall be established by order of the supreme court and shall be presumed to include all automobile expenses. Additionally, judicial officers and court employees shall be reimbursed their mileage expense for travel required in the discharge of official duties within the continuous metropolitan area of their

official domicile. Travel directly between employees' and judicial officers' residences and their official domiciles will not be reimbursed.

22.18(3) *Transportation other than private automobile.* Expenses for transportation other than private automobile are reimbursed on an actual incurred cost basis and must be claimed accompanied by an original receipt.

22.18(4) *Reimbursement of parking.* Reimbursement for parking expense is allowable when mileage is claimed. Receipts for parking, taxi and/or other transportation expenses, are not required when the total amount, per day, does not exceed $15. Receipts must be attached to the travel voucher for employees to receive reimbursement for the above expenses in excess of $15 per day.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004; Court Order August 31, 2020, effective September 1, 2020]

Rule 22.19 Lodging.

22.19(1) *In-state.*

a. Lodging expense is reimbursed as incurred when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person's official domicile. The name of the establishment where the expense is incurred shall be indicated on the claim form and the original receipt shall be attached. The single room rate is to be noted on the receipt when other than a single room was charged. Special rates for judicial officers, court reporters, and court employees are available at many motels and hotels in the state. An identification card identifying the holder as a judicial officer, court reporter, or court employee is usually necessary. Identification cards are available upon request from the office of the state court administrator. The allowance for lodging shall be the actual cost, but not exceeding $80, plus applicable taxes, per day.

b. Judicial officers and court employees are to seek lodging facilities whose rates are within those prescribed in this rule or a reasonable explanation must be noted in the expense claim in order to be considered for reimbursement over the defined maximum rates. (*See* rule 22.21(6)). When seeking overnight lodging judicial officers and court employees should request the lowest of "state," "government," or "commercial" rates, as many facilities offer these "special" rates which a state employee can and should obtain.

22.19(2) *Out-of-state.* Lodging expense is not limited outside the state, but the incurred expenditures are to be reasonable. Lodging for approved out-of-state travel shall be reimbursed for the night preceding and the night of the ending date of the authorized meeting.

[Court Order November 9, 2001, effective February 15, 2002; June 16, 2006, effective July 1, 2006; January 4, 2012; July 19, 2021, effective August 1, 2021]

Rule 22.20 Meals.

22.20(1) *In-state.* Incurred meal expense shall be reimbursed at "reasonable and necessary" cost when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person's official domicile. A maximum of $37 per day may be reimbursed for meals, as outlined below; however, if departure from the official domicile is before 6 a.m., a notation must be included on the Travel Voucher. At the return of the trip, if arrival back at the official domicile is after 7 p.m., a notation to this effect must be included on the Travel Voucher. Meal allowance for travel will be as follows:

a. Departure before 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for breakfast, lunch, and dinner up to a maximum of $37.

b. Departure before 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for breakfast and lunch up to a maximum of $18.

c. Departure after 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for lunch and dinner up to a maximum of $29.

d. Departure after 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for lunch up to a maximum of $10.

22.20(2) *Out-of-state.* Meal expenses are not limited out-of-state, but the incurred expenses are to be reasonable. When in travel status, lunch and dinner the day preceding the meeting, and breakfast and lunch the day after a meeting, are reimbursable expenditures.

22.20(3) *Overnight lodging required.* The provisions for meal reimbursement in rules 22.20(1) and 22.20(2) apply only when the travel includes overnight lodging.

[Court Order November 9, 2001, effective February 15, 2002, May 8, 2006; July 18, 2007, effective August 1, 2007; February 21, 2019, effective March 1, 2019]

Rule 22.21 Miscellaneous travel provisions.

22.21(1) *Continuing education expenses.* Provisions relating to "Official duties," "Travel," "Transportation," "Lodging" and "Meals" as used in rules 22.16 through 22.21 shall not be applicable to expenses for continuing education requirements for court reporters or court employees, unless otherwise ordered by the chief justice or the chief justice's designee.

22.21(2) *Examining Board expenses.* Board of Law Examiners and Shorthand Reporters Examiners will be reimbursed actual and necessary expenses not to exceed one and one-half times the reimbursement allowances provided in rules 22.19 and 22.20.

22.21(3) *Living outside official domicile.* When additional expense is incurred by reason of a court employee maintaining a permanent home in a city, town, or metropolitan area other than that person's official domicile, unless otherwise determined by the state court administrator, the additional expense is not reimbursable.

22.21(4) *Registration fees.* Registration fees for authorized meetings and conferences are an allowable expense when accompanied by receipt.

22.21(5) *Claim preparation.*

a. All claims shall be typewritten, or printed in ink, and signed by the claimant. Receipts for lodging, public transportation, and any authorized miscellaneous expenses shall be attached to the upper left-hand corner of the form. Claim for reimbursement for out-of-state travel shall be submitted for payment upon completion of the trip.

b. Beginning March 1, 2019, any request for reimbursement of travel expenses must be submitted within 60 days of completion of travel.

c. If reimbursement is sought pursuant to Iowa Code section 232.141, the district court administrator shall process the claim per rules and procedures of the applicable county and the department of health and human services.

22.21(6) *Exceptions.* The chief justice or the chief justice's designee may grant exceptions to rules 22.16 through 22.21 as necessitated by unusual circumstances.

22.21(7) *Refreshments.* The cost of refreshments served at meetings will not be reimbursed, except for educational programs sponsored and authorized by the chief justice or the chief justice's designee.

22.21(8) *Form.* A written request for travel authority from the chief justice or the chief justice's designee pursuant to rules 22.16 through 22.21 shall be in substantially the following form:

JUDICIAL BRANCH
REQUEST FOR TRAVEL AUTHORITY

_____ Outside of Iowa
_____ In-state, out of Judicial District

Date _____

Name _____
Title _____
Judicial District _____

Form to be submitted to Chief Justice of the Supreme Court or the Chief Justice's designee prior to proposed departure date. See rules 22.16 to 22.21 for applicable travel and time for submission.

DEPARTURE FROM:

DESTINATION:

TRAVEL DATES (ROUND TRIP):

MODE OF TRAVEL:

PURPOSE OF TRAVEL: (INCLUDE NATURE AND DATES OF MEETING OR OTHER PURPOSE OF TRAVEL AND JUSTIFICATION FOR PROFESSIONAL PURPOSES)

ESTIMATED COST:
Transportation:
Lodging:
Meals:
Other (Please Specify):
Total:

Anticipated Funding Source(s):

Approved as to form:

_____
Person requesting approval

_____
District Court Administrator
(initials)

_____
Supervising authority (when applicable)

Request Approved/Denied:

_____
Chief Judge Date

Request Approved/Denied:

_____
Chief Justice Date
Supreme Court of Iowa
(or Chief Justice's designee)

[Court Order June 11, 1981; November 30, 1981 (Received for publication January 5, 1983); June 28, 1984; June 28, 1985, effective July 1, 1985; October 3, 1985, effective October 15, 1985; May 15, 1986, effective July 1, 1986; November 20, 1986, effective December 1, 1986; July 21, 1988, effective August 1, 1988; October 12, 1989, effective November 1, 1989; November 13, 1990, effective January 2, 1991; January 17, 1991; July 12, 1991, effective July 12, 1991, for expenses on or after January 2, 1991; December 16, 1994, effective December 16, 1994; December 16, 1994, effective January 2, 1995; January 3, 1996; March 21, 1996; July 26, 1996; November 5, 1996; December 21, 1999, effective January 1, 2000; May 26, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 21, 2019, effective March 1, 2019; June 30, 2023, effective July 1, 2023]

Rule 22.22 Gifts.

22.22(1) Judicial officers are not subject to the provisions of this rule, but shall be subject to the gift provisions of the Iowa Code of Judicial Conduct.

22.22(2) Except as otherwise provided in this rule, an employee of the judicial branch or a member of that person's immediate family shall not, directly or indirectly, accept, receive or solicit any gift or series of gifts.

22.22(3) As used in this rule:

a. "Employee" means any employee of the judicial branch other than a judicial officer subject to the gift provisions of the Iowa Code of Judicial Conduct.

b. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given or received, if the donor is:

(1) A party or other person involved in a case pending before the donee.

(2) A party or a person seeking to be a party to any sale, purchase, lease or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.

(3) A person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

c. "Gift" does not include:

(1) Informational material relevant to the employee's duties, such as books, pamphlets, reports, documents or periodicals, or the cost of registration for an education conference or seminar which is relevant to the employee's duties.

(2) Anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(3) An inheritance or bequest.

(4) Anything available or distributed to the public generally without regard to the official status of the recipient.

(5) Actual expenses of a donee for food, beverages, travel, and lodging, which is given in return for participation at a meeting as a speaker, panel member or facilitator, when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.

(6) Plaques or items of negligible resale value given as recognition for public service.

(7) Nonmonetary items with a value of $3 or less that are received from any one donor during one calendar day.

(8) Items or services solicited by or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member.

(9) Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the judicial branch is a member.

(10) Funeral flowers or memorials to a church or nonprofit organization.

(11) Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary.

d. "Immediate family" means the spouse and minor children of an employee of the judicial branch.

22.22(4) For purposes of determining the value of an item, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value shall be the value actually received by the donee.

22.22(5) An employee of the judicial branch or the person's immediate family member, may accept a nonmonetary gift or a series of nonmonetary gifts and not be in violation of this rule if the nonmonetary gift or series of nonmonetary gifts is donated within 30 days to a public body, the state court administrator, the department of general services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual.

[Court Order June 30, 1980; July 31, 1987, effective August 3, 1987; December 29, 1992, effective January 1, 1993; August 19, 1993; November 9, 2001, effective February 15, 2002; April 30, 2010, effective May 3, 2010]

Rule 22.23 Honoraria.

22.23(1) An official or employee of the judicial branch shall not seek or accept an honorarium.

22.23(2) As used in this rule:

a. "Honorarium" means anything of value that is accepted by, or on behalf of, an official or employee of the judicial branch as consideration for an appearance, speech or article if the donor is:

(1) A party or other person involved in a case pending before the donee.

(2) A party or person seeking to be a party to any sale, lease, or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, lease, or contract or if the donee assists or advises the person with authority to approve the sale, lease, or contract.

(3) A person who will be directly and substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

b. "Honorarium" does not include:

(1) Actual expenses of a donee for food, beverages, travel, lodging and registration which is given in return for participation at a meeting as a speaker, panel member or facilitator when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.

(2) Payment to an employee for services rendered as part of outside employment which has been approved pursuant to the department's personnel policies, if the payment is commensurate with the actual activity or services rendered and not based upon the employee's position within the department, but, rather, because of some special expertise or other qualification.

(3) Payment to a judge or magistrate for officiating and making return for a marriage pursuant to rule 22.29.

(4) Payment to a judge or senior judge for instruction at an accredited education institution, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.

(5) Payment to a part-time judge for services rendered as part of a bona fide business or profession in which the judge is engaged, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.

(6) Payment to a senior judge for services rendered as an arbitrator or mediator, if the payment is commensurate with the actual activity or services rendered and not based upon the senior judge's official position. [Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.24 Interests in public contracts.

22.24(1) A full-time official or employee of the judicial branch shall not sell any goods or services to any state agency.

22.24(2) As used in this rule, "services" does not include any of the following:

a. Instruction at an accredited education institution by a judge, senior judge or magistrate if permitted as a quasi-judicial or extrajudicial activity pursuant to the Code of Judicial Conduct or by an employee as part of outside employment which has been approved pursuant to the judicial branch's personnel policies.

b. The preparation of a transcript by an official court reporter.

[Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.25 Services against the state.

22.25(1) No official or employee of the judicial branch shall receive, directly or indirectly, or enter into an agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.

22.25(2) As used in this rule, "appearance or service against the interest of the state" means an appearance or service which conflicts with a person's duties or employment obligations owed to the state.

[Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.26 Personal disclosure.

22.26(1) Each official shall file a statement of personal financial disclosure in the manner provided in this rule. The disclosure must be filed even if there is no financial information to report. The disclosure must contain:

a. A list of each business, occupation, or profession (other than employment by the judicial branch) in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.

b. A list of any sources of income (other than income from employment by the judicial branch) if the source produces more than one thousand dollars annually in gross income. "Sources of income" includes those sources which are held jointly with one or more persons and which in total generate more than $1000 of income. "Jointly" means the ownership of the income source is undivided among the owners and all owners have one and the same interest in an undivided possession, each with full rights of use and enjoyment of the total income. Sources of income that are co-owned but with ownership interests that are legally divisible, without full rights of use of enjoyment of the total income, need not be reported unless the person's portion of the income from that source exceeds $1000. For purposes of this rule, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as a source of income.

Sources of income listed pursuant to this rule may be listed under any of the following categories:

(1) Securities.
(2) Instruments of financial institutions.
(3) Trusts.
(4) Real estate.
(5) Retirement systems.
(6) Other income categories specified in state and federal income tax regulations.

22.26(2) The statement of personal financial disclosure shall be reported on forms prescribed by the state court administrator and shall be filed with the clerk of the supreme court on or by the first day of April each year or no later than 30 days after assuming office. The statement of personal financial disclosure forms shall be retained for a period of two years.

[Court Order December 29, 1992, effective January 1, 1993; Statement required April 1, 1994; November 9, 2001, effective February 15, 2002; November 22, 2004; December 22, 2022]

Rule 22.27 Definitions. As used in rules 22.22 to 22.26:

22.27(1) *"Employee"* means a paid employee of the state of Iowa, including independent contractors, and does not include a member of a board, commission, or committee.

22.27(2) *"Official"* means an officer of the judicial branch performing judicial functions, including an associate juvenile judge, a magistrate or referee, an associate probate judge, and the state court administrator, and does not include a member of a board, commission, or committee.

[Court Order December 29, 1992, effective January 1, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.28 Transcripts — rates for transcribing a court reporter's official notes.

22.28(1) Pursuant to Iowa Code section 602.3202, the maximum compensation of shorthand reporters for transcribing their official notes shall be as follows:

a. Ordinary transcript (a transcript of all or part of the proceedings) - $3.50 per page for the original and one copy to the party ordering the original and 50 cents per page for each additional copy.

b. Expedited transcript (a transcript of all or part of the proceedings to be delivered within seven calendar days after receipt of an order) - $4.50 per page for the original and one copy to the party ordering the original and 75 cents per page for each additional copy.

c. Daily transcript (a transcript of all or part of the proceedings to be delivered following adjournment for the day and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day) - $5.50 per page for the original and one copy to the party ordering the original and $1.00 per page for each additional copy.

d. Unedited transcript (an unedited draft transcript produced as a byproduct of realtime or computer aided transcription software to be delivered on electronic media or paper) - $2.25 per page for the original and 25 cents per page for each copy. The unedited disk or printed draft transcript shall not be certified and may not be used to contradict the official district court transcript.

e. Realtime transcript (an unedited draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings for viewing and retention) -

$2.75 per page for the original and $1.00 per page for each copy. The unedited text of the proceedings shall not be certified and may not be used to contradict the official district court transcript. Litigants who order realtime services, and subsequently order an original certified transcript of the same proceeding, will not receive credit toward the purchase cost of the certified transcript. Only certified realtime reporters may be compensated for such transcripts.

22.28(2) These rates of compensation shall apply to each separate page of transcript even if they are produced in a condensed transcript format.

22.28(3) These rates of compensation shall be the same whether the transcript is produced in an electronic or paper format. A certified transcript may be sold in an electronic format only if a paper transcript is produced, certified, and filed with the clerk of court for the records of the court or delivered to the custodial attorney. No additional charge is permitted for an ASCII disk or other form of electronic media when it accompanies a paper transcript.

22.28(4) Court reporters are only required to prepare ordinary transcripts. They may, but are not required to, produce the types of transcripts described in rule 22.28(1)(*b-e*).

[Court Order March 15, 2007; November 9, 2009; May 27, 2010; April 4, 2012]

Rule 22.29 Marriage fees received by a judicial officer.

22.29(1) A judge or magistrate may charge a fee for officiating and making return for each marriage solemnized at a time other than regular judicial working hours and at a place other than a court facility. This fee shall not exceed the sum of $200.

22.29(2) A judge or magistrate may charge the parties to the marriage for expenses incurred in solemnizing the marriage. In no event shall the expenses charged exceed the maximum amounts set by rules 22.16 through 22.21.

22.29(3) The phrase "regular judicial working hours," for purposes of this rule, shall mean 8 a.m. to 5 p.m. Monday through Friday (except for legal holidays) for all judicial officers except magistrates, and for them the schedule fixed by the chief judge of the judicial district.

[Court Order July 1, 1983; received for publication April 2, 1984; September 17, 1984; Court Order July 7, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; March 16, 2006]

Rule 22.30 Use of signature facsimile.

22.30(1) In all instances where a law of this state requires a written signature by a justice of the supreme court, judge of the court of appeals, district judge, district associate judge, judicial magistrate, clerk of the district court, county attorney, court reporter, associate juvenile judge, associate probate judge, judicial hospitalization referee, probate referee, or law enforcement officer, any such officer may use, or direct and authorize a designee to possess and use, a facsimile signature stamp bearing that officer's signature or an electronically scanned signature of the officer pursuant to the provisions of this rule.

22.30(2) Whether used personally by the officer whose signature it bears or by a designee of that officer, a facsimile signature stamp or electronically scanned signature must contain a true facsimile of the actual signature of that officer. The stamp or electronically scanned signature shall be kept in the secure possession of the officer or that officer's designee at all times, accessible only to the officer or the officer's designee.

22.30(3) An officer directing and authorizing a designee to possess and use a facsimile signature stamp or electronically scanned signature bearing that officer's signature shall execute a written designation of the authorization. The designation shall be addressed to the designee, by name or title, and shall specifically identify each category of documents to which the designee is authorized to affix the stamp or electronically scanned signature. The original of the written designation shall be filed with the district court administrator in the judicial district within which the officer is located; appellate judges and justices shall file their original designations with the clerk of the supreme court. A copy of the written designation shall be retained by the officer and by the designee.

22.30(4) A written designation made by an officer pursuant to rule 22.30(3) may be revoked, in writing, at any time by the officer who executed it, and shall stand automatically revoked upon that officer's ceasing to hold the office for any reason. A written revocation of designation shall be addressed to the former designee, in the same manner as the original designation. A copy of the written revocation shall be retained by the officer and by the former designee. A facsimile signature stamp in the possession of a former designee shall be forthwith returned to the officer who issued it, if available, or shall be destroyed by the former designee. A revoked electronically scanned signature shall be deleted.

22.30(5) Nothing contained in this rule shall abrogate any provision of Iowa Code section 4.1(39).
[Court Order May 17, 1984; July 25, 1986, effective September 2, 1986; June 22, 1987, effective August 3, 1987; July 26, 1996; November 9, 2001, effective February 15, 2002; June 3, 2009; March 9, 2010]

Rule 22.31 Juror compensation.

22.31(1) Compensation for a juror's first seven days of attendance and service on a case shall be $30 per day, including attendance required for the purpose of being considered for service.

22.31(2) When a juror's attendance and service on a case exceed seven days, the rate of compensation shall be $50 for each day after the seventh day.

22.31(3) For purposes of juror compensation, the days of attendance and service do not have to be consecutive.
[Court Order September 25, 2006; October 22, 2007]

Rule 22.32 Magistrates — annual school of instruction. Each magistrate shall be required to attend a judicial branch school of instruction prior to taking office and annually thereafter unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.
[Court Order September 23, 1985, effective October 15, 1985; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.33 Nepotism. No judicial officer or employee of the judicial branch shall appoint, or continue to employ any person related by consanguinity or affinity within the third degree. This prohibition shall apply to any employment where a direct supervisory relationship exists between the judicial officer or employee and the person supervised.

In the event an employment situation exists within the judicial branch which is consistent with Iowa Code chapter 71 but inconsistent with this rule, the supervisor shall terminate the employment relationship prior to March 15, 1986. Every effort shall be made by the judicial branch to relocate within the branch any individual who is dismissed as a result of this rule.
[Court Order January 22, 1986, effective February 3, 1986; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.34 Judicial branch appointments. It is a policy of the judicial branch that all boards, commissions, and committees to which appointments are made or confirmed by any part of the judicial branch shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or committee, they shall consult with each other to avoid contravention of this policy.
[Court Order June 30, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 22.35 Service copies.

22.35(1) After April 1, 1988, the clerk of court shall not make a part of the court file, or otherwise retain in the clerk's office, service copies of pleadings, orders, or writs.

22.35(2) "Service copy" means the copy of the pleading, order, or writ attached to either the return of service or the document proving service.

22.35(3) All returns of service shall specify what pleading, order, or writ was served. Returns of service of an original notice shall certify that a copy of the petition was served with the notice pursuant to Iowa R. Civ. P. 1.302.
[Court Order January 29, 1988, effective March 1, 1988; November 9, 2001, effective February 15, 2002]

Rule 22.36 Paper size and requested copies.

22.36(1) *Paper size.* All pleadings and other papers filed in the Iowa district courts and their small claims divisions shall be on 8½ inch by 11 inch size white paper of standard weight, with a margin of at least one inch at the top of each page. Exhibits attached to pleadings shall be of the same size as pleadings, reduced from their original size if necessary. Original documents, including wills, bonds, notes, foreclosed mortgages, and real estate contracts, may be filed on longer paper. Uniform Citation forms and other court forms smaller than 8½ by 11 inches shall be accepted for filing. The clerks of court shall not accept filings which do not substantially comply with this rule.

22.36(2) *Requested copies.* If counsel or any party requests file-stamped copies of pleadings or other papers to be returned by mail, an extra copy and a self-addressed, postage prepaid envelope, large enough to accommodate the copy being returned, must be included with the filing. No copy shall be returned by mail unless this rule is followed.
[Court Order May 12, 1989, effective July 3, 1989; March 20, 1991, effective July 1, 1991; November 9, 2001, effective February 15, 2002]

Rules 22.37 and **22.38** Reserved.

Rule 22.39 Staffing offices of clerks of court. The supreme court shall allocate staff to the clerk of court office in each county. The court shall take into account workload and availability of funds for state court operations. The court shall set the business hours of each office. To facilitate case processing, the court may allow each office of the clerk of court to operate without being open to the public for a portion of each day the office is open for business to enable an office to process its work without interruption.
[Court Order November 12, 2009]

Rule 22.40 Public business hours of offices of clerks of court. For purposes of Iowa Code section 4.1(34), the word "day" means the period of time defined by the public business hours of an office of the clerk of court as established by order of the supreme court. If the supreme court has by order closed an office of the clerk of court for an entire day, that day shall be treated as a holiday or a weekend. Nothing in this rule shall prevent a party from filing with the court pursuant to Iowa Rule of Civil Procedure 1.442(5).
[Court Order November 12, 2009]

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 rule 22.41(3) may preside over any subsequent proceeding involving the relevant treatment court participant so long as disqualification is not required under rule 51:2.11.
[Court Order July 27, 2023]

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ADMISSION TO THE BAR

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CHAPTER 31
ADMISSION TO THE BAR

Rule 31.1 Board of law examiners.

31.1(1) *Composition.*

a. The board of law examiners consists of five persons admitted to practice law in this state and two persons not admitted to practice law in this state. Members are appointed by the supreme court. A member admitted to practice law must be actively engaged in the practice of law in this state.

b. Appointments are for three-year terms that commence on July 1 of the year in which the appointment is made. Vacancies must be filled for the unexpired term by supreme court appointment. Members may serve no more than three terms or nine years, whichever is less.

c. Members must sign a written oath to faithfully and impartially discharge the duties of the office and must file the oath in the office of professional regulation. They will be compensated for their services in accordance with the provisions of Iowa Code section 602.10106.

d. The supreme court may appoint temporary examiners to assist the board, who will receive their actual and necessary expenses to be paid from funds appropriated to the board.

e. Members of the board of law examiners and the temporary examiners will be paid a per diem in an amount the supreme court sets for each day spent in conducting or grading the examinations of the applicants for admission to the bar and in performing administrative and character and fitness investigation duties. They will also be reimbursed for additional expenses necessarily incurred in the performance of such duties.

f. The executive director of the office of professional regulation will designate a director of admissions of the office of professional regulation to serve as the principal administrator for the board of law examiners. Wherever in this chapter a reference to the "director" appears, it will refer to the director of admissions of the office of professional regulation.

g. The executive director of the office of professional regulation must, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget covering the board's operations for the upcoming fiscal year. Approval of the budget by the court authorizes payment as provided in the budget. A separate bank account designated as the admissions operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the admissions operating account for payment of the board's authorized expenditures.

h. Claims against members of the board and the executive director, directors, and the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.

i. The board of law examiners and its members, employees, and agents; temporary law examiners; and the executive director, directors, and the staff of the office of professional regulation are immune from all civil liability for damages for conduct, communications, and omissions occurring in the performance of and within the scope of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

j. Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the board of law examiners, its members, employees, or agents, or to the executive director, director, and the staff of the office of professional regulation are privileged, and civil suits for damages predicated thereon may not be instituted.

31.1(2) *Duties.*

a. The board may adopt rules to govern the method of conducting the bar examination. Such rules must be consistent with these rules and are subject to supreme court approval.

b. The authority to pass on the sufficiency of applications for permission to take the bar examination is vested in the board of law examiners, subject to supreme court review.

c. The members of the board authorized to grade examinations will make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board must also recommend to the supreme court for admission to practice law in this state all applicants who pass the bar examination and the Multistate Professional Responsibility Examination, and who meet the requisite character and fitness requirements. The board, in its discretion, may permit an applicant to take the bar examination prior to finally approving that person as to character and fitness. It

may impose specific conditions for admission based on its evaluation of character and fitness and must withhold recommendation of admission until those conditions are satisfied. An applicant who passes the bar examination must satisfy such character and fitness conditions and any other conditions imposed by the board within one year of the date of the applicant's passage of the examination. This period may be extended by the board upon the applicant's showing of good cause. If any conditions imposed are not satisfied within the applicable period of time, the applicant's passage of the examination is null and void and the applicant must retake the bar examination in order to gain admission. The supreme court will make the final determination as to those persons who are admitted to practice in this state.

d. An applicant who has passed the examination and is eligible for admission must be administered the lawyer's oath or affirmation within one year of the date the bar examination score was posted or the date of fulfilling all eligibility requirements, whichever is later. An applicant who fails to be administered the oath within this deadline will no longer be eligible for admission and the applicant's passage of the examination will be null and void. This deadline may only be extended by the board upon a showing of exceptional circumstances.

e. An applicant who has passed the examination and is eligible for admission must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.

f. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice. If the supreme court grants the petition, the office of professional regulation will forward all documents required for executing the oath or affirmation to the applicant. The supreme court will deem the applicant admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

[Court Order July 2, 1975; September 20, 1976; April 17, 1990, effective June 1, 1990; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.2 Registration by law students.

31.2(1) The law student registration requirement is removed. Applicants who have a law student registration on file with the board under the prior version of this rule on or before January 15, 2021, and who wish to apply to take the bar examination must still make application under rule 31.5 and must pay a fee equivalent to the fee specified in rule 31.6(3).

31.2(2) Registration as a law student under this rule is not deemed an application for permission to take the bar examination.

[Court Order July 2, 1975; September 20, 1976; December 16, 1983—received for publication May 30, 1984; February 16, 1990, effective March 15, 1990; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 112); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; April 9, 2009; December 10, 2012; August 21, 2013; April 25, 2014; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021]

Rule 31.3 Required examinations.

31.3(1) *Iowa bar examination.* The provisions of this rule apply to the dates and content of the Iowa bar examination beginning with the February 2016, examination administration.

a. Written examinations for admission to the bar will be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.

b. The Iowa bar examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. The three-hour MEE component consists of six essay questions, the three-hour MPT component consists of

two performance tests, and the MBE component consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores are no longer accepted.

c. The MEE portion of the examination consists of questions from subjects the NCBE designates. Some MEE questions may include issues from more than one area of law. Subject matter outlines for the MEE are available on the NCBE website.

d. Applicants must achieve a combined, scaled score of 266 or above to pass the examination. The bar examination results require a vote of at least four members of the board of law examiners admitted to practice law in Iowa.

31.3(2) *Multistate Professional Responsibility Examination.*

a. Each applicant for admission by examination must earn a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the NCBE. The applicant's MPRE score must be on file with the board no later than April 1 preceding the July examination or November 1 preceding the February examination.

b. It is the responsibility of the applicant to ensure that a score report from the NCBE is sent to the board by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the bar examination may be addressed by the board, but a petition to post a score after the bar examination must be addressed by the supreme court.

[Court Order July 2, 1975; September 17, 1984; October 23, 1985, effective November 1, 1985; January 3, 1996; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 101); July 26, 1996; September 12, 1996; October 3, 1997; July 11, 2000; November 9, 2001, effective February 15, 2002; August 28, 2006; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 16, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 31.4 Admission by transferred UBE score.

31.4(1) *UBE score transferability.* An applicant who has earned a UBE score in another jurisdiction may transfer the UBE score and file an application for admission by transferred UBE score at any time on or after December 1, 2015, provided:

a. The transferred UBE score is NCBE-certified and is a combined, scaled score of 266 or above.

b. The application includes a nonrefundable administrative fee of $900. The applicant must pay the applicable fee charged by any electronic application vendor.

c. The applicant causes the NCBE to transfer the UBE score no later than three months after the application is filed.

d. The applicant has received an LL.B. or a J.D. degree from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated. Proof of this requirement will be by affidavit of the law school's dean on the board's dean's affidavit form. The affidavit must be made before an officer authorized to administer oaths and having a seal.

e. The applicant has earned a scaled score of at least 80 on the MPRE administered by the NCBE.

f. The applicant has not been denied admission or permission to sit for a bar examination by any jurisdiction on character and fitness grounds.

31.4(2) *Time limits for transferring a UBE score.* A UBE score can be transferred to Iowa subject to the following time limits:

a. Any applicant may transfer a qualifying UBE score without a showing of prior legal practice if the score was from a UBE administered within two years immediately preceding the transfer application filing date.

b. An attorney applicant may transfer a qualifying UBE score up to five years after the examination was taken upon proof that the applicant regularly engaged in the practice of law for at least two years of the last three years immediately preceding the transfer application filing date. For the purposes of this rule, "regularly engaged in the practice of law" means the applicant has practiced law for at least 1000 hours per year. The board may require the applicant to provide a certificate of regular practice required for motion applicants under Iowa Court Rule 31.13(1)(*b*) that addresses the period of practice this rule requires.

31.4(3) *Character and fitness investigation.*

a. The board will investigate the moral character and fitness of any applicant for admission by transferred UBE score and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report on the applicant. The board may

require that an applicant obtain, at applicant's expense, an investigative report from the NCBE if, in the board's judgment, the application reveals substantial questions regarding the applicant's character or fitness to practice law. Any applicant obtaining an NCBE investigative report must pay the NCBE required fee in addition to the administrative fee. The board's decision to require an NCBE report is not subject to review.

b. The board may impose specific character and fitness or other conditions for admission on the applicant and will withhold recommendation of admission until those conditions are satisfied.

31.4(4) *Time for satisfying admission requirements.* Applicants for admission by transferred UBE score must satisfy all requirements for admission to the bar of this state within one year after the date of written notification to the applicant that the transfer application has been granted or of the conditions the board has imposed. The one-year period may be extended by the board upon the applicant's showing of good cause. The supreme court will make the final determination as to those persons who will be admitted to the practice in this state.

31.4(5) *Only certified UBE scores will be accepted.* The board will not accept transferred scores unless they are certified as UBE scores by the NCBE and will not address petitions to treat a noncertified score as a UBE score.

31.4(6) *Oath or affirmation before Iowa Supreme Court; exceptions.*

a. An applicant who is granted admission by transferred UBE score must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.

b. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice.

c. If the supreme court grants the petition, the office of professional regulation will forward all documents required for executing the oath or affirmation to the applicant. The supreme court will deem the applicant to be admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

d. Within one year after the supreme court grants the petition, the applicant must take the lawyer's oath or affirmation from an Iowa Supreme Court justice or file the written oath or affirmation. If the applicant's oath or affirmation is not completed within one year, the supreme court will deem the application to be denied.

31.4(7) *Stale applications.* An application for admission by transferred UBE score that the board has not granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation, except when the board has imposed specific character and fitness or other conditions for admission on the applicant under rule 31.4(3).

a. Before the one-year withdrawal date, an applicant may request an extension. If the board finds that administrative withdrawal of the application would work a hardship on the applicant and that sufficient cause exists, the board may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.

b. The board's denial of an application to extend the withdrawal date is subject to supreme court review upon the applicant's request.

[Court Order June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 102); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; September 17, 2008; October 15, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.5 Bar examination application; contents and deadlines.

31.5(1) The board of law examiners and the director will designate such forms as may be necessary for application for examination. The application must require the applicant to demonstrate the applicant is a person of honesty, integrity, and trustworthiness, and one who appreciates and will adhere to the Iowa Rules of Professional Conduct as adopted by the supreme court, together with such other information as the board and the director determine to be necessary and proper.

31.5(2) Every applicant for admission to the bar must make application, under oath, and upon a form designated by the director. The applicant must file the application with the director no later than April 1 preceding the July examination or November 1 preceding the February examination. An applicant who fails the Iowa bar examination and wants to take the next examination must file a new application within the above deadlines or within 30 days of the date the applicant's score is posted in

the office of professional regulation, whichever is later. There will be no waiver of these deadlines. If any changes occur after the application is filed that affect the applicant's answers, the applicant must amend the application. A new and complete application must be filed for each examination for admission.

31.5(3) The board may designate portions of the data submitted for this purpose by the applicant or third parties as a confidential record. The board and the director must segregate that portion of the application data deemed confidential from the portion that is filed as a public record. In the event of a request for a hearing on character or fitness under rule 31.9(2) following an initial determination by the board, it may designate any additional information received at the hearing and all proceedings before the board as a confidential record.

[Court Order October 14, 1968; July 2, 1975; November 21, 1977; March 20, 1987, effective June 1, 1987; February 16, 1990, effective March 15, 1990; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 103); November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021; September 14, 2021, effective October 1, 2021]

Rule 31.6 Fee.

31.6(1) *Payment of application fee.* Every applicant for admission to the bar upon examination must, as a part of the application, pay to the Iowa board of law examiners an application fee. This fee is not refundable. The full fee must be paid within the deadline for filing the bar application under rule 31.5(2). The applicant must pay the applicable fee charged by any electronic application vendor.

31.6(2) *First Iowa bar exam application.* The fee is $800 for every applicant's first application to take the Iowa bar examination.

31.6(3) *Subsequent Iowa bar exam applications.* The following fees are applicable for those submitting a second or subsequent application to take the Iowa bar examination. For applicants not previously admitted to practice law in any other state, the District of Columbia, or a territory of the United States, the fee is $550. For applicants previously admitted to practice law in another state, the District of Columbia, or a territory of the United States, the fee is $800.

31.6(4) An applicant who is unable to take the bar examination after filing an application and fee may submit a written request to the director to defer the fee to the next scheduled bar examination date, provided:

a. The deferral request must be received by the director before the start of the first day of the currently scheduled bar examination. No deferral is permitted after the bar examination begins.

b. An applicant who has been denied permission to take the Iowa bar examination or who has been denied recommendation for admission to practice law in Iowa under rule 31.9(2) is not eligible to defer the examination fee.

c. The applicant must submit a new, complete bar application as prescribed by rule 31.5(2) on or before the deadline for the next scheduled bar examination. The new application must be accompanied by a $100 deferred application filing fee. There will be no waiver of the deadlines.

d. The fee deferral under this rule is only valid for the next scheduled bar examination. An applicant who elects to defer the application fee under this rule but who fails to take the next scheduled Iowa bar examination for any reason is not eligible to defer the application fee to any subsequent exam.

e. Deferral applicants are subject to the good moral character and fitness provisions contained in rule 31.9.

[Court Order July 2, 1975; December 16, 1983—received for publication May 30, 1984; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 113); October 11, 2001; November 9, 2001, effective February 15, 2002; August 21, 2013; October 15, 2015; September 14, 2017, effective November 2, 2017; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021; July 7, 2023]

Rule 31.7 Affidavit of intent to practice.

31.7(1) All applicants for the Iowa bar examination must demonstrate a bona fide intention to practice law in Iowa or another UBE jurisdiction. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.

31.7(2) The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes.

[Court Order July 2, 1975; November 21, 1977; October 28, 1982; December 30, 1983; April 25, 1985; March 23, 1994, effective July 1, 1994; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 105); November 9, 2001, effective February 15, 2002; October 15, 2015]

Rule 31.8 Degree requirement.

31.8(1) No person will be permitted to take the examination for admission without proof that the person has received the degree of LL.B. or J.D. from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated from the school. Proof of this requirement must be by affidavit of the dean of such law school, and must show that the applicant has actually and in good faith pursued the study of law resulting in the degree required by this rule. The affidavit must be made before an officer authorized to administer oaths and having a seal.

31.8(2) If an applicant is a student in such a law school and expects to receive the degree of LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant may be permitted to take the examination upon the filing of an affidavit by the dean of said school stating that the dean expects the applicant to receive such a degree within this time. No certificate of admission or license to practice law can be issued until the applicant has received the required degree. If the applicant fails to obtain the degree within the 45-day period, the results of the applicant's examination will be null and void.

[Court Order July 15, 1963; February 9, 1967; December 30, 1971; February 15, 1973; July 2, 1975; November 21, 1977; June 13, 1983; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 106); May 2, 1997; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.9 Moral character and fitness.

31.9(1) The Iowa board of law examiners may make an investigation of the moral character and fitness of any applicant and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report. The Iowa board of law examiners will, subject to supreme court review, determine whether or not the applicant is of good moral character and fitness. In making its determination, the board may consider the applicant's candor in the application process and in any interactions with the board or its staff.

31.9(2) *Denial of permission to take bar examination; denial of recommendation for admission.* When the board of law examiners determines that any person who registers or makes application should not be permitted to take a bar examination, or that an applicant who has passed a bar examination should not be recommended for admission to practice law in Iowa, the board must notify the applicant in writing of its determination.

a. The notice must provide that the applicant is entitled to a hearing to challenge the determination upon filing a written request for hearing with the director within 10 days after service of the notice.

b. The director must serve the notice on the applicant by mail to the address shown on the applicant's application.

c. If no request for hearing is filed, the board's determination will be final and not subject to review.

d. If a request for hearing is filed, the chair of the board must appoint an attorney member of the board to act as a hearing officer. The hearing officer must promptly set a hearing, and the director must notify the applicant by mail at least 10 days before the hearing date of the time and place of hearing.

e. Not less than 10 days before the hearing date, the board must furnish the applicant with copies of all documents and summaries of all other information the board relied on in making its determination.

f. The clerk of court in the county where the hearing is held has authority to issue any necessary subpoenas for the hearing.

g. At the hearing, the applicant has the right to appear in person and by counsel. The board may be represented by the attorney general of the State of Iowa or a duly appointed assistant attorney general. The hearing must be reported. The hearing officer may take judicial notice of the information the board considered in the case and may consider such additional evidence and arguments as may be presented at the hearing. At the hearing, the board may first present any additional evidence or information that it deems necessary to the proceeding. Thereafter the applicant may present evidence. The attorney for the board may offer rebuttal evidence at the discretion of the hearing officer. In

presiding at the hearing, the hearing officer will have the power and authority administrative hearing officers possess generally.

h. Within 30 days after completion of the hearing, the hearing officer must provide the board with a hearing transcript, exhibits, and findings of fact and conclusions of law. Based on this information, the board will prepare and file its final determination with the director. The director must, by mail, promptly notify the applicant of the board's final determination.

31.9(3) *Supreme court review.* Any applicant aggrieved by a final determination of the board made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the supreme court within 20 days of the mailing of notice of final determination. The petition must be accompanied by a $150 fee. If no such petition is filed within the 20-day period, the board's determination is not subject to review. A petition for review must state all claims of error and reasons for challenging the board's determination. The board must transmit to the supreme court its files and the complete record in the case. Unless the court orders otherwise, the petition is deemed submitted for the court's review on the record previously made. After consideration of the record, the court may enter its order sustaining or denying the petition. The order of the court will be conclusive. No subsequent application for admission by a person denied under rule 31.9(2) will be considered by the board unless authorized by the court upon the applicant's motion accompanied by a prima facie showing of a substantial change of circumstances.

31.9(4) *Costs of review.* In the event an applicant or person who is registered petitions for review under rule 31.9(3) and is unsuccessful, the costs of the review will be taxed against the unsuccessful applicant and judgment therefor may be entered in the district court of that person's county of residence, if an Iowa resident, or in the district court for Polk County if a nonresident.

31.9(5) *Failure to comply with support order.* The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who fails to comply with a support order.

a. Procedure. Child Support Services (CSS) may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.20(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.20(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. 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 applicants subject to enforcement under Iowa Code chapter 252J or 598.

31.9(6) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission.

a. Procedure. The Iowa College Student Aid Commission may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.21(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.21(2).

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the court.

d. 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 aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

31.9(7) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU).

a. Procedure. The CCU may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.22(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of the district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.22(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. 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 applicants subject to enforcement under Iowa Code chapter 272D.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 104); December 20, 1996; November 25, 1998; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022; June 30, 2023, effective July 1, 2023]

Rule 31.10 Preservation of anonymity. Each applicant permitted to take the bar examination will be randomly assigned a number prior to the examination, by which number the applicant will be known throughout the examination and grading process.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 107); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.11 Supreme court review.

31.11(1) *Extraordinary circumstances.* An unsuccessful applicant whose combined, scaled score on the bar examination is at least 260, but less than 266, may file a petition in the supreme court requesting review of the board's determination. However, the board's decision regarding an applicant's score is final and will not be reviewed by the court absent extraordinary circumstances. "Extraordinary circumstances" would include issues such as the board's refusal to correct a clear mathematical error, but would not include a claim that the board erred in the grade assigned to a particular answer.

31.11(2) *Petition for review.* The petition must be filed with the clerk of the supreme court and served upon the board. The petition must be filed within 20 days of the date the applicant's score is posted in the office of professional regulation and must be accompanied by a $150 fee. The petition must identify in detail the extraordinary circumstances requiring supreme court review of the board's determination. If a petition is not filed within the 20-day period, the board's determination is not subject to review.

31.11(3) *Supreme court order.* Upon request of the court, the board will transmit to the supreme court the complete record in the case. All documents submitted for the court's review, other than the applicant's petition, are confidential. Unless the court orders otherwise, the court will review the petition on the record previously made. After consideration of the record, the court will enter its order sustaining or denying the petition. The order of the court is conclusive.

[Court Order July 2, 1975; September 20, 1976; April 25, 1985; March 31, 1986, effective May 1, 1986; April 17, 1990, effective June 1, 1990; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 117.1) July 19, 1999; November 9, 2001, effective February 15, 2002; June 20, 2007, effective July 1,

2007; June 5, 2008, effective July 1, 2008; February 20, 2012; July 13, 2012; October 15, 2015; November 16, 2018, effective December 15, 2018]

Rule 31.12 Admission of attorneys from other jurisdictions; requirements and fees.

31.12(1) An applicant who meets the requirements of this rule and rule 31.13 may, in the discretion of the court, be admitted to the practice of law in this state without examination.

31.12(2) The applicant must file the application with the National Conference of Bar Examiners through its online character and fitness application process. The applicant must pay a nonrefundable administrative fee of $900 to the office of professional regulation at the time of filing the application. The character investigation services of the National Conference of Bar Examiners will be procured in all cases where application for admission on motion is made. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

31.12(3) The application and supporting documents must contain specific facts and details as opposed to conclusions and must demonstrate the following:

a. The applicant has been admitted to the bar of any other state of the United States, the District of Columbia, or a territory of the United States; has regularly engaged in the practice of law for at least five of the last seven years immediately preceding the date of the application; and still holds a license. For the purposes of this rule, "regularly engaged in the practice of law" means the applicant has practiced law for at least 1000 hours in that year.

b. The applicant is a person of honesty, integrity, and trustworthiness, and one who will adhere to the Iowa Rules of Professional Conduct. In evaluating this factor the court may consider any findings filed with the office of professional regulation by the Commission on the Unauthorized Practice of Law pursuant to Iowa Court Rule 37.3.

c. The applicant is not currently subject to lawyer discipline in any other jurisdiction.

31.12(4) The applicant must provide such information as the court deems necessary and proper in connection with the application. If any changes occur that affect the applicant's answers, the applicant must immediately amend the application.

31.12(5) The applicant must designate the supreme court clerk for service of process.

31.12(6) For purposes of this rule, the practice of law includes the following activities:

a. Representation of one or more clients in the practice of law.

b. Service as a lawyer with a local, state, or federal agency.

c. The teaching of law as a full-time instructor in a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association in this state or some other state.

d. The discharge of actual legal duties as a member of one of the armed services of the United States, if certified as the practice of law by the judge advocate general of such service.

e. Service as a judge in a federal, state, or local court of record.

f. Service as a judicial law clerk.

g. Service as corporate counsel.

h. Service as an employee or officer of any business, but only if such service would ordinarily constitute the practice of law and was performed in a jurisdiction in which the applicant has been admitted to practice.

31.12(7) For purposes of this rule, the practice of law does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

31.12(8) The following applicants are not eligible for admission on motion:

a. An applicant who has failed a bar examination administered in this state within five years of the date of filing of the application under this rule.

b. An applicant who has failed five or more bar examinations.

c. An applicant whose Iowa license is in exempt or inactive status under the provisions of Iowa Court Rule 39.7 or 41.7.

d. An applicant who has been disbarred and not reinstated or whose license is currently suspended in any other jurisdiction.

31.12(9) An application for admission without examination that has not been granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation. Before the one-year withdrawal date, an applicant may request an extension. If the court finds that administrative withdrawal of the application would work a hardship on the

applicant and that sufficient cause exists, the court may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.

[Court Order July 2, 1975; September 20, 1976; February 12, 1981; Note September 30, 1981; Court Order December 17, 1982; December 30, 1983; April 23, 1985; November 8, 1985; March 31, 1986, effective May 1, 1986; November 21, 1991, effective January 2, 1992; November 30, 1994, effective January 3, 1995; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 114); May 2, 1997; October 11, 2001; November 9, 2001, effective February 15, 2002; February 22, 2002; April 20, 2005, effective July 1, 2005; August 6, 2007; February 14, 2008, effective April 1, 2008; October 15, 2008; August 10, 2009; January 19, 2010; July 13, 2012; December 10, 2012; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020; July 7, 2023]

Rule 31.13 Proofs of qualifications; oath or affirmation.

31.13(1) *Required certificates.* To qualify for admission under rule 31.12, an applicant must file the following with the office of professional regulation:

a. A certificate of admission in the applicant's state of licensure.

b. A certificate from one or more of the following individuals establishing that the applicant was regularly engaged in the practice of law in the applicant's state or states of licensure for at least five of the last seven years immediately preceding the date of the application: a clerk or judge of a court of record, a judge advocate general, or an administrative law judge. If, due to the nature of the applicant's practice, the applicant cannot obtain a certificate from a clerk, judge, judge advocate general, or an administrative law judge, the applicant must file a petition seeking leave to file an alternative certificate demonstrating good cause why the certificate cannot be obtained. If the supreme court grants the petition, the applicant must file an affidavit detailing the nature, dates, and locations of the applicant's practice, along with an affidavit of a supervising attorney or another lawyer attesting to the applicant's practice over that period.

31.13(2) *Oath or affirmation.*

a. An applicant whose application for admission without examination is granted must appear for admission before a supreme court justice, unless the supreme court orders otherwise based upon a satisfactory showing of exceptional circumstances.

b. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice.

c. If the supreme court grants the petition, the office of professional regulation will forward all required documents to the applicant. The supreme court will deem the applicant to be admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

d. Within six months after the date the application for admission on motion is granted, the applicant must take the lawyer's oath or affirmation from an Iowa Supreme Court justice or file the written oath or affirmation. If the applicant's oath or affirmation is not completed within six months, the supreme court will deem the application to be denied.

[Court Order July 2, 1975; December 30, 1982; December 30, 1983; April 23, 1985; November 8, 1985; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 115); November 9, 2001, effective February 15, 2002; May 31, 2006; October 31, 2006; February 14, 2008, effective April 1, 2008; October 15, 2008; January 19, 2010; December 10, 2012; October 15, 2015; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020; September 14, 2021, effective October 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.14 Admission pro hac vice before Iowa courts and administrative agencies.

31.14(1) *Definitions.*

a. An "out-of-state" lawyer is a person who:

(1) Is not admitted to practice law in this state but who is admitted in another state or territory of the United States or of the District of Columbia, or is licensed to practice as a foreign legal consultant in any state or territory of the United States or of the District of Columbia.

(2) Is not disbarred or suspended from practice in any jurisdiction.

b. An out-of-state lawyer is "eligible" for admission pro hac vice if any of the following conditions are satisfied:

(1) The lawyer lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work.

(2) The lawyer neither resides nor is regularly employed at an office in this state.

(3) The lawyer resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways.

c. An "in-state" lawyer is a person admitted to practice law in this state and is not disbarred or suspended from practice in this state.

d. A "client" is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in this state.

e. "This state" refers to Iowa. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this rule.

31.14(2) *Authority of court or agency to permit appearance by out-of-state lawyer.*

a. Court proceeding. A court of this state may, in its discretion, admit an eligible out-of-state lawyer, who is retained to appear as attorney of record in a particular proceeding, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

b. Administrative agency proceeding. Regardless of whether practice before an agency is limited to lawyers, an out-of-state lawyer must apply for admission pro hac vice to appear as attorney of record in an agency proceeding. The agency may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding as counsel in that proceeding pro hac vice, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

c. Subsequent proceedings. Admission pro hac vice is limited to the particular court or agency proceeding for which admission was granted. An out-of-state lawyer must separately seek admission pro hac vice in any subsequent district or appellate court proceeding.

31.14(3) *In-state lawyer's duties.* When an out-of-state lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to do all of the following:

a. Appear of record together with the out-of-state lawyer in the proceeding.

b. Actively participate in the proceeding. *See* Iowa R. of Prof'l Conduct 32:5.5(c)(1).

c. Accept service on behalf of the out-of-state lawyer as required by Iowa Code section 602.10111.

d. Advise the client of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.

31.14(4) *Application procedure.* An eligible out-of-state lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice must file a verified application with the court or agency where the litigation is filed. The out-of-state lawyer must serve the application on all parties who have appeared in the proceeding, and must include proof of service. Application forms for admission pro hac vice can be found in rule 31.25.

31.14(5) *Required information for application.* An application filed by the out-of-state lawyer must contain all of the following information:

a. The out-of-state lawyer's residence and business addresses.

b. The name, address, and phone number of each client sought to be represented.

c. The courts before which the out-of-state lawyer has been admitted to practice and the respective period of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.

d. Whether the out-of-state lawyer has been denied admission pro hac vice in this state. If so, specify the caption of the proceedings, the date of the denial, and what findings were made.

e. Whether the out-of-state lawyer has had admission pro hac vice revoked in this state. If so, specify the caption of the proceedings, the date of the revocation, and what findings were made.

f. Whether the out-of-state lawyer has been denied admission in any jurisdiction for reasons other than failure of a bar examination. If so, specify the jurisdiction, caption of the proceedings, the date of the denial, and what findings were made.

g. Whether the out-of-state lawyer has been formally disciplined or sanctioned by any court in this state. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.

h. Whether the out-of-state lawyer has been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the out-of-state lawyer engaged in the unauthorized practice of law in this state or elsewhere. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.

i. Whether any formal, written disciplinary proceeding has been brought against the out-of-state lawyer by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years, and as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings.

j. Whether the out-of-state lawyer has been placed on probation by a disciplinary authority in any other jurisdiction. If so, specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made.

k. Whether the out-of-state lawyer has been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. A copy of the written order or transcript of the oral rulings must be attached to the application.

l. The name and address of each court or agency and a full identification of each proceeding in which the out-of-state lawyer has filed an application to appear pro hac vice in this state within the preceding two years, the date of each application, and the outcome of the application.

m. An averment as to the out-of-state lawyer's familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court or agency before which the out-of-state lawyer seeks to practice.

n. The name, address, telephone number, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the out-of-state lawyer's pro hac vice request.

o. An acknowledgement that service upon the in-state lawyer in all matters connected with the proceedings has the same effect as if personally made upon the out-of-state lawyer.

p. If the out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, the application must contain a statement showing good cause why the out-of-state attorney should be admitted in the present proceeding.

q. Any other information the out-of-state lawyer deems necessary to support the application for admission pro hac vice.

r. A statement that the out-of-state lawyer has registered with the office of professional regulation and paid the fee as required by rule 31.14(11).

31.14(6) *Objection to application.* A party to the proceeding may file an objection to the application or seek the court's or agency's imposition of conditions to its being granted. The objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The objecting party may seek denial of the application or modification of it. If the application has already been granted, the objecting party may move that the pro hac vice admission be revoked.

31.14(7) *Standard for admission.* The courts and agencies of this state have discretion as to whether to grant applications for admission pro hac vice. If there is no opposition, the court or agency has the discretion to grant or deny the application summarily. An application ordinarily should be granted unless the court or agency finds one of the following:

a. The admission of the out-of-state attorney pro hac vice may be detrimental to the prompt, fair, and efficient administration of justice.

b. The admission of the out-of-state attorney pro hac vice may be detrimental to legitimate interests of parties to the proceedings other than a client the out-of-state lawyer proposes to represent.

c. One or more of the clients the out-of-state lawyer proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk.

d. The out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, unless the out-of-state lawyer can show good cause exists for admission.

31.14(8) *Revocation of admission.* Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in rule 31.14(7).

31.14(9) *Discipline, contempt, and sanction authority over the out-of-state lawyer.*

a. During the pendency of an application for admission pro hac vice and upon the granting of such application, an out-of-state lawyer submits to the authority of the courts of this state, the agencies of this state, and the Iowa Supreme Court Attorney Disciplinary Board for all conduct relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The out-of-state lawyer submits to these authorities for all of the lawyer's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An out-of-state lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as an in-state lawyer. *See* Iowa R. Prof'l Conduct 32:8.5.

b. The authority to which an out-of-state lawyer submits includes, but is not limited to, the enforcement of the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, contempt and sanction procedures, applicable local rules, and court, agency, and board policies and procedures.

c. An out-of-state lawyer who appears before a court of this state or before an agency of this state when practice is limited to lawyers and who does not obtain admission pro hac vice is engaged in the unauthorized practice of law. *See* Iowa R. Prof'l Conduct 32:5.5 cmt. 9. If an out-of-state lawyer reasonably expects to be admitted pro hac vice, the lawyer may provide legal services that are in or reasonably related to a pending or potential proceeding before a court or agency in this state. *See* Iowa R. Prof'l Conduct 32:5.5(c)(2).

31.14(10) *Familiarity with rules.* An out-of-state lawyer must become familiar with the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, the standards for professional conduct, local court or agency rules, and the policies and procedures of the court or agency before which the out-of-state lawyer seeks to practice.

31.14(11) *Periodic fee.* An applicant for admission to appear pro hac vice in any Iowa Court or before any Iowa agency must first register with the office of professional regulation and pay a fee of $250 to the client security trust fund. The office of professional regulation may prescribe an electronic format for the registration and require submission of the registration and payment in that form.

a. Registration and payment of the fee required by this rule qualify the out-of-state lawyer to file applications for admission pro hac vice in any Iowa court or before any Iowa agency for a period of five years commencing with the date of registration. Upon expiration of the five-year period, the out-of-state lawyer becomes ineligible to file an application for admission pro hac vice in any Iowa court or before any Iowa agency without first registering and paying another fee as required by this rule.

b. An out-of-state lawyer admitted pro hac vice after registration and payment of the fee as required by this rule who later is fully admitted to the bar of Iowa must pay initial, special, and regular assessments to the client security trust fund as required by Iowa Court Rule 39.6.

[Court Order July 2, 1975; June 22, 1976; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 116); April 1, 1999; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; September 27, 2006; March 15, 2007; June 3, 2009; February 19, 2016, effective January 1, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 31.15 Permitted practice by law students and recent graduates.

31.15(1) Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 and certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state:

a. Appearance by students as defense counsel in a criminal matter in any trial court must be confined to misdemeanors, and the student must be under the direct supervision of licensed Iowa counsel who must be personally present.

b. Appearance by students in matters before the Iowa Supreme Court or the Iowa Court of Appeals must be under the direct supervision of licensed Iowa counsel who must be personally present. A student presenting an oral argument before the supreme court or the court of appeals must file with the clerk of the supreme court an appearance with proof of compliance with rule 31.15(1). The appearance must be filed no less than seven days prior to the argument and must be served upon all counsel of record and parties not represented by counsel.

c. Appearance or assistance by students in other matters must be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present in court unless required by order of the court.

31.15(2) Students who the dean of a reputable law school certifies have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.

a. Appearance by students who have completed only two semesters of work must be under the direct supervision of licensed Iowa counsel who must be personally present.

b. Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.

31.15(3) Except as allowed by rule 31.15(4), students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the students' law school and not disapproved by the Iowa Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the same as it was during the educational program, approved by the law school, and performed with the supervision required under rules 31.15(1) and 31.15(2).

31.15(4) Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students must be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with rules 31.15(2) and 31.15(3), or before trial or appellate courts without complying with rule 31.15(1).

31.15(5) Law students must not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

31.15(6) Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:

a. Supervision of graduates must be the same as supervision of law students under rules 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).

b. Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.

c. Graduates may practice up to 25 hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.

d. Graduates are not limited in hours of practice under this rule from administration of the bar examination until the date the bar examination results are posted for those who fail or the date of the admissions ceremony for those who pass.

e. Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

f. The supervising organizations listed in rule 31.15(6) must file a certificate with the office of professional regulation listing the starting dates for all graduates practicing under rule 31.15(6) and must file a second certificate indicating when the practice under this rule has terminated.

31.15(7) For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.

a. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity the following:

(1) The structure of the organization and whether it accepts funds from its clients.

(2) The major sources of funds the organization uses.

(3) The criteria used to determine potential clients' eligibility for legal services the organization performs.

(4) The types of legal and nonlegal services the organization performs.

(5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.

(6) The existence and extent of malpractice insurance that will cover the law student or graduate.

b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(2)(*c*) is an approved legal aid organization for purposes of this rule.

31.15(8) A law student or law graduate practicing under this rule must be identified by the title "Law Student" or "Law Graduate" in any filing made in the courts of this state.

[Court Order April 4, 1967; May 15, 1972; January 14, 1974; April 8, 1975 [withdrawn]; April 9, 1975; April 8, 1980; April 28, 1987; June 5, 1996, effective July 1, 1996 (Prior to July 1, 1996, Court Rule 120); January 9, 1998, effective February 2, 1998; November 9, 2001, effective February 15, 2002; June 4, 2008, effective July 1, 2008; March 21, 2014; November 20, 2015, effective January 1, 2016; November 18, 2016, effective March 1, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.16 Registration of house counsel.

31.16(1) *Who must register.* A lawyer who is not admitted to practice law in Iowa, but who is admitted to practice law in another United States jurisdiction or is a foreign lawyer, and who has a continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted pursuant to rule 32:5.5(d)(1) of the Iowa Rules of Professional Conduct, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, must register as house counsel within 90 days of the commencement of employment as a lawyer or, if currently so employed, then within 90 days of the effective date of this rule. For purposes of rule 31.16:

a. "United States jurisdiction" includes the District of Columbia and any state, territory, or commonwealth of the United States.

b. A "domestic lawyer" is a lawyer admitted to practice law in the District of Columbia or in any state, territory, or commonwealth of the United States.

c. A "foreign jurisdiction" is any jurisdiction that is not a United States jurisdiction.

d. A "foreign lawyer" is a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

31.16(2) *Procedure for registering.* The lawyer must submit to the office of professional regulation the following:

a. If a domestic lawyer, a completed application in the form the office of professional regulation prescribes.

b. If a foreign lawyer, a foreign-licensed attorney application with the National Conference of Bar Examiners through its online character and fitness application process. The applicant must pay the investigative fee that the National Conference of Bar Examiners requires at the time of filing the application.

c. A nonrefundable application fee in the amount of $800 payable to the Iowa board of law examiners.

d. Documents proving admission to practice law, current active status, and current good standing in all jurisdictions, United States and foreign, in which the lawyer is admitted to practice law.

e. A certificate from the disciplinary authority of each jurisdiction of admission, United States and foreign, stating that the lawyer has not been suspended, disbarred, or disciplined and that no charges of professional misconduct are pending; or a certificate that identifies any suspensions, disbarments, or other disciplinary sanctions that have been imposed upon the lawyer, and any pending charges, complaints, or grievances.

f. If the jurisdiction is foreign and the documents are not in English, the lawyer must submit an English translation and satisfactory proof of the accuracy of the translation.

g. An affidavit from an officer, director, or general counsel of the employing entity attesting as follows:

(1) The entity will be employing the lawyer.

(2) To the best of its knowledge the lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.

(3) To the best of its knowledge the lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.

(4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.

(5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity's officers or employees.

(6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.

(7) The entity will promptly notify the Client Security Commission of the termination of the lawyer's employment.

h. An affidavit from the lawyer attesting as follows:

(1) The name of the entity that will be employing the lawyer.

(2) The lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.

(3) The lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.

(4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.

(5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to the lawyer's work for the entity and to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity's officers or employees.

(6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.

(7) The lawyer will promptly notify the Client Security Commission of the termination of the lawyer's employment.

i. Any other document the supreme court requires to be submitted.

31.16(3) *Scope of authority of registered lawyer.*

a. A lawyer registered under this rule has the rights and privileges otherwise applicable to members of the bar of this state with the following restrictions:

(1) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and, except for foreign lawyers, to employees, officers, and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct.

(2) The registered lawyer may not:

1. Except as otherwise permitted by the rules of this state, appear before a court or any other tribunal as defined in rule 32:1.0(m) of the Iowa Rules of Professional Conduct. Registration under this rule does not authorize a lawyer to provide services to the employing entity for which pro hac vice admission is required. A lawyer registered under this rule must therefore comply with the requirements for pro hac vice admission under rule 31.14 for any appearances before a court or any administrative agency.

2. Offer or provide legal services or advice to any person other than as described in rule 31.16(3)(*a*)(1), or hold himself or herself out as being authorized to practice law in this state other than as described in rule 31.16(3)(*a*)(1).

3. If a foreign lawyer, provide advice on the law of this state or another United States jurisdiction or of the United States except on the basis of advice from a lawyer who is duly licensed and authorized to provide such advice.

b. Notwithstanding the provisions of rule 31.16(3)(*a*), a lawyer registered under this rule is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically authorized in this state. This provision does not apply to foreign lawyers registered under this rule.

c. A lawyer registered under this rule must:

(1) File an annual statement and pay the annual disciplinary fee as Iowa Court Rules 39.5 and 39.8 require. Beginning calendar year 2021, the lawyer must pay the regular assessment as required by Iowa Court Rule 39.6(2) as well as any special assessments required by Iowa Court Rule 39.6(4).

(2) Fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education attendance requirements set forth in rule 41.3 for the calendar year in which the lawyer first registered as house counsel under this rule.

(3) Report to the office of professional regulation within 90 days the following:

1. Termination of the lawyer's employment as described in rule 31.16(2)(*h*).

2. Whether or not public, any change in the lawyer's license status in another jurisdiction, United States or foreign.

3. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction, United States or foreign.

31.16(4) *Local discipline.* A registered lawyer under this section is subject to the Iowa Rules of Professional Conduct and all other laws and rules governing lawyers admitted to the active practice of law in this state. The Iowa Supreme Court Attorney Disciplinary Board has and will retain jurisdiction over the registered lawyer with respect to the conduct of the lawyer in this state or another jurisdiction to the same extent as it has over lawyers generally admitted in this jurisdiction.

31.16(5) *Automatic termination.* A registered lawyer's rights and privileges under this rule automatically terminate when:

a. The lawyer's employment terminates;

b. The lawyer is suspended or disbarred from practice in any jurisdiction, United States or foreign, or any court or agency before which the lawyer is admitted; or

c. The lawyer no longer maintains active status in at least one jurisdiction, United States or foreign.

31.16(6) *Reinstatement.* A registered lawyer whose registration is terminated under rule 31.16(5)(*a*) may be reinstated within 180 days of termination upon submission to the office of professional regulation all of the following:

a. An application for reinstatement in a form the office of professional regulation prescribes.

b. A reinstatement fee in the amount of $100.

c. Affidavits from the current employing entity and the lawyer as prescribed in rules 31.16(2)(*g*) and (*h*).

d. Current versions of the documents and certificates required in rules 31.16(2)(*d*)-(*f*).

31.16(7) *Reapplication.* Any lawyer seeking to register as house counsel who has previously been registered under this rule and who has not sought timely reinstatement under rule 31.16(6) must submit everything contained within rule 31.16(2) for each subsequent registration.

31.16(8) *Sanctions.* A lawyer under this rule who fails to register will be:

a. Subject to professional discipline in this state.

b. Ineligible for admission on motion in this state.

c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board.

d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure, United States or foreign.

31.16(9) *Court's discretion.* The supreme court has the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which substantial questions regarding the lawyer's character or fitness to practice law are implicated. The character investigation services will be procured for all foreign lawyer applicants at the applicants' expense. The office of professional regulation must issue a certificate of registration upon the supreme court's approval of the application.

31.16(10) *Duration of registration—credit toward admission on motion.*

a. Domestic lawyer. A domestic lawyer registered under this rule may remain in house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination, by transferred UBE score pursuant to rule 31.4, or without examination pursuant to rules 31.12 and 31.13. The period of time the lawyer practices law in Iowa under the registration provisions of this rule may be used to satisfy the duration-of-practice requirement under rule 31.12(3)(*a*).

b. Foreign lawyer. A foreign lawyer registered under this rule may remain in house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination. The foreign lawyer is not eligible for admission on motion based on practice while registered in Iowa. The foreign lawyer may either remain as house counsel or may attempt to establish academic equivalency allowing the lawyer to sit for the Iowa bar examination. A foreign lawyer seeking to take the bar examination must:

(1) Obtain a scaled score of at least 80 on the MPRE before seeking permission to take the bar examination. The MPRE score must be from an examination taken within three years immediately preceding the filing date of the application.

(2) Provide an affidavit giving a detailed description of the lawyer's practice while registered as house counsel and an estimate of how many hours per year the lawyer engaged in the practice of law during that period.

(3) Provide an affidavit from an officer, partner, director, or general counsel of the employing entity attesting that the foreign lawyer's affidavit is accurate and that the foreign lawyer possesses the character and fitness to practice law in Iowa.

(4) Submit the lawyer's credentials to an ABA-approved law school in this state for a recommendation of what schedule of courses, if any, would render the applicant educationally qualified to sit for the examination. The foreign lawyer may then petition the court to approve the proposed course of study. If the court approves the petition, the foreign lawyer must attach to the bar application a copy of the law school dean's affidavit stating the foreign lawyer successfully completed the approved course of study and is believed to be educationally qualified to sit for the examination. The foreign lawyer will be allowed to sit for the examination provided all other requirements are met.

31.16(11) *Lawyers registered under prior version of this rule.* A lawyer registered under the prior version of this rule is not required to register again or pay the registration fee. Any lawyer who is currently registered under a prior version of this rule is no longer subject to the five-year period for terminating registration as house counsel. All other provisions of this rule apply.

31.16(12) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. Rule 31.9(7) governs this procedure.

31.16(13) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. Rule 31.9(6) governs this procedure.

31.16(14) *Denial of application or suspension of registration for failure to comply with a support order.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with a support order. Rule 31.9(5) governs this procedure.

[Court Orders April 20, 2005, and July 1, 2005, effective July 1, 2005; September 1, 2005; June 16, 2006; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; September 12, 2012; August 21, 2013; May 18, 2015, effective July 1, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; August 28, 2020; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022]

Rule 31.17 Provision of legal services following determination of major disaster.

31.17(1) *Determination of existence of major disaster.* Solely for purposes of this rule, the supreme court will determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

a. This state and whether the emergency caused by the major disaster affects the entirety or only a part of the state; or

b. Another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this state pursuant to rule 31.17(3) will extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

31.17(2) *Temporary practice—pro bono services.* Following the determination of an emergency affecting the justice system in this state pursuant to rule 31.17(1), or a determination that persons displaced by a major disaster in another jurisdiction and residing in this state are in need of pro bono services and the assistance of lawyers from outside of this state is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in this state on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services must be assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically designated by the supreme court.

31.17(3) *Temporary practice—legal services arising out of and reasonably related to a lawyer's practice of law in another jurisdiction, or area of such other jurisdiction, where the disaster occurred.* Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction may provide legal services in this state on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

31.17(4) *Duration of authority for temporary practice.* The authority to practice law in this state granted by rule 31.17(2) will end when the supreme court determines that the conditions caused by the major disaster have ended except that a lawyer then representing clients in this state pursuant to rule 31.17(2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer may not thereafter accept new clients. The authority to practice law in this state granted by rule 31.17(3) will end 60 days after the supreme court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

31.17(5) *Court appearances.* The authority granted by this rule does not include appearances in court except:

a. Pursuant to the supreme court's pro hac vice admission rule; or

b. If the supreme court, in any determination made under rule 31.17(1), grants blanket permission to appear in all or designated courts of this state to lawyers providing legal services pursuant to rule 31.17(2).

31.17(6) *Disciplinary authority and registration requirement.* Lawyers providing legal services in this state pursuant to rule 31.17(2) or 31.17(3) are subject to the supreme court's disciplinary authority and the Iowa Rules of Professional Conduct as provided in Iowa Rule of Professional Conduct 8.5. Lawyers providing legal services in this state under rule 31.17(2) or 31.17(3) must, within 30 days from the commencement of the provision of legal services, file a registration statement with the office of professional regulation. A form for the registration statement can be found in rule 31.25. Any lawyer who provides legal services pursuant to this rule will not be considered to be engaged in the unlawful practice of law in this state.

31.17(7) *Notification to clients.* Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule must inform clients in this state of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this state except as permitted by this rule. They must not state or imply to any person that they are otherwise authorized to practice law in this state.

The comment accompanying this rule explains and illustrates the meaning and purpose of the rule. The comment is intended as a guide to interpretation, but the text of the rule is authoritative.

COMMENT

[1] A major disaster in this state or another jurisdiction may cause an emergency affecting the justice system with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster or, though independent of the disaster, whose legal needs temporarily are unmet because of disruption to the practices of local lawyers. Lawyers from unaffected jurisdictions may offer to provide these legal services either by traveling to the affected jurisdiction or from their own offices or both, provided the legal services are provided on a pro bono basis through an authorized not-for-profit entity or such other organization(s) specifically designated by the supreme court. A major disaster includes, for example, a hurricane, earthquake, flood, wildfire, tornado, public health emergency, or an event caused by terrorists or acts of war.

[2] Under rule 31.17(1)(*a*), the supreme court will determine whether a major disaster causing an emergency affecting the justice system has occurred in this state, or in a part of this state, for purposes of triggering rule 31.17(2). The supreme court

may, for example, determine that the entirety of this state has suffered a disruption in the provision of legal services or that only certain areas have suffered such an event. The authority granted by rule 31.17(2) will extend only to lawyers authorized to practice law and not disbarred, suspended from practice, or otherwise restricted from practice in any other manner in any other jurisdiction.

[3] Rule 31.17(2) permits lawyers authorized to practice law in another jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practicing law in any other manner in any other jurisdiction, to provide pro bono legal services to residents of this state following a determination of an emergency caused by a major disaster, notwithstanding that they are not otherwise authorized to practice law in this state. Other restrictions on a lawyer's license to practice law that would prohibit that lawyer from providing legal services pursuant to this rule include, but are not limited to, probation, inactive status, disability inactive status, or a nondisciplinary administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal services as defined in this rule. Lawyers permitted to provide legal services pursuant to this rule must do so without fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-profit organization that is authorized to provide legal services either in its own name or that provides representation of clients through employed or cooperating lawyers. Alternatively, the supreme court may instead designate other specific organization(s) through which these legal services may be rendered. Under rule 31.17(2), an emeritus lawyer from another United States jurisdiction may provide pro bono legal services on a temporary basis in this state provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this state on a temporary basis under Iowa R. of Prof'l Conduct 32:5.5(c).

[4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the area of such other jurisdiction determined by the supreme court to have suffered a major disaster, and whose practices are disrupted by a major disaster there, and who are not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, are authorized under rule 31.17(3) to provide legal services on a temporary basis in this state. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. For purposes of this rule, the determination of a major disaster in another jurisdiction should first be made by the highest court of appellate jurisdiction in that jurisdiction. For the meaning of "arise out of and reasonably related to," see Iowa R. of Prof'l Conduct 32:5.5, cmt. [14].

[5] Emergency conditions created by major disasters end, and when they do, the authority created by rules 31.17(2) and 31.17(3) also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under rule 31.17(4), the supreme court determines when those conditions end only for purposes of this rule. The authority granted under rule 31.17(2) will end upon such determination, except that lawyers assisting residents of this state under rule 31.17(2) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by rule 31.17(3) will end 60 days after the supreme court makes such a determination with regard to an affected jurisdiction.

[6] Rules 31.17(2) and 31.17(3) do not authorize lawyers to appear in the courts of this state. Court appearances are subject to the pro hac vice admission rules of the supreme court. The supreme court may, in a determination made under rule 31.17(5)(*b*), include authorization for lawyers who provide legal services in this state under rule 31.17(2) to appear in all or designated courts of this state without need for such pro hac vice admission. A lawyer who has appeared in the courts of this state pursuant to rule 31.17(5) may continue to appear in any such matter notwithstanding a declaration under rule 31.17(4) that the conditions created by major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Iowa R. of Prof'l Conduct 32:1.16.

[7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict that person's ability to provide legal services under this rule.

[8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether any lawyer seeking to practice in this state pursuant to rule 31.17(2) or 31.17(3) is disbarred, suspended from practice, or otherwise subject to a public disciplinary sanction that would restrict the lawyer's ability to practice law in any other jurisdiction. [Court Order December 13, 2017, effective January 1, 2018]

[Court Order May 14, 2007; February 14, 2008, effective April 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 31.18 Licensing and practice of foreign legal consultants.

31.18(1) *General regulation as to licensing.* In its discretion, the supreme court may license to practice in the State of Iowa as a foreign legal consultant, without examination, an applicant who:

a. Is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country.

c. Possesses the good moral character and general fitness requisite for a member of the bar of this state.

d. Intends to practice as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

31.18(2) *Application and fee.*

a. The applicant must file an application for a foreign legal consultant license with the National Conference of Bar Examiners through its online character and fitness application process, unless an exception is granted by the office of professional regulation. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

b. In addition, the applicant must file the following documents and fee with the office of professional regulation:

(1) A certificate from the professional body or public authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as a lawyer or counselor at law or the equivalent, and certifying that the applicant has not been disciplined and no charges of professional misconduct are pending or identifying any disciplinary sanctions that have been imposed upon the applicant or any pending charges, complaints, or grievances.

(2) A letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction in the foreign country in which the applicant is admitted.

(3) Duly authenticated English translations of the certificate required by rule 31.18(2)(*b*)(1) and the letter required by rule 31.18(2)(*b*)(2) if they are not in English.

(4) The requisite documentation establishing the applicant's compliance with the immigration laws of the United States.

(5) Other evidence as the supreme court may require regarding the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of rule 31.18(1).

(6) An administrative fee of $800 payable to the office of professional regulation at the time the application is filed.

31.18(3) *Scope of practice.* A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state but will not be considered admitted to practice law here, may not in any way hold himself or herself out as a member of the bar of this state, and may not do any of the following:

a. Appear as a lawyer on behalf of another person in any court or before any magistrate or other judicial officer in this state, except when admitted pro hac vice pursuant to Iowa rule 31.14.

b. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America.

c. Prepare:

(1) Any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof.

(2) Any instrument relating to the administration of a decedent's estate in the United States of America.

d. Prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident.

e. Render professional legal advice on the law of this state or of the United States of America, whether rendered incident to the preparation of legal instruments or otherwise.

f. Carry on a practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:

(1) The foreign legal consultant's own name.

(2) The name of the law firm with which the foreign legal consultant is affiliated.

(3) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country.

(4) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

31.18(4) *Rights and obligations.* Subject to the limitations listed in rule 31.18(3), a person licensed under this rule will be considered a foreign legal consultant affiliated with the bar of this state and will be entitled and subject to:

a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this state under the Iowa Court Rules.

b. The rights and obligations of a member of the bar of this state with respect to:

(1) Affiliation in the same law firm with one or more members of the bar of this state, including by:

1. Employing one or more members of the bar of this state.

2. Being employed by one or more members of the bar of this state or by any partnership or professional corporation that includes members of the bar of this state or that maintains an office in this state.

3. Being a partner in any partnership or shareholder in any professional corporation that includes members of the bar of this state or that maintains an office in this state.

(2) Attorney-client privilege, work-product privilege, and similar professional privileges.

31.18(5) *Discipline.* A person licensed to practice as a foreign legal consultant under this rule will be subject to professional discipline in the same manner and to the same extent as members of the bar of this state. To this end:

a. Every person licensed to practice as a foreign legal consultant under this rule:

(1) Will be subject to the jurisdiction of the supreme court and the Iowa Supreme Court Attorney Disciplinary Board and to reprimand, suspension, removal, or revocation of his or her license to practice by the supreme court and will otherwise be governed by the Iowa Rules of Professional Conduct and the Iowa Court Rules.

(2) Must execute and file with the clerk of the supreme court, in the form and manner as the court may prescribe:

1. A commitment to observe the Iowa Rules of Professional Conduct and the Iowa Court Rules to the extent applicable to the legal services authorized under rule 31.18(3);

2. A written undertaking to notify the court of any change in the foreign legal consultant's good standing as a member of the foreign legal profession referred to in rule 31.18(1)(*a*) and of any final action of the professional body or public authority referred to in rule 31.18(2)(*b*)(1) imposing any disciplinary reprimand, suspension, or other sanction upon the foreign legal consultant.

3. A duly acknowledged instrument in writing, providing the foreign legal consultant's address in this state and designating the clerk of the supreme court as his or her agent for service of process. The foreign legal consultant must keep the office of professional regulation advised in writing of any changes of address in this jurisdiction. In any action or proceeding brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within this state or to residents of this state, service will first be attempted upon the foreign legal consultant at the most recent address filed with the clerk. Whenever after due diligence service cannot be made upon the foreign legal consultant at that address, service may be made upon the clerk. Service made upon the clerk in accordance with this provision is effective as if service had been made personally upon the foreign legal consultant.

b. Service of process on the clerk under rule 31.18(5)(*a*)(2)(3) must be made by personally delivering to the clerk's office, and leaving with the clerk, or with a deputy or assistant authorized by the clerk to receive service, duplicate copies of the process. The clerk must promptly send one copy of the process to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent address provided in accordance with rule 31.18(5)(*a*)(2)(3).

31.18(6) *Required fees and annual statements.* A person licensed as a foreign legal consultant must pay a $200 registration fee to the Client Security Commission. The person licensed under this rule must file an annual statement and pay the annual disciplinary fee as required by Iowa Court Rules 39.5 and 39.8.

31.18(7) *Revocation of license.* If the supreme court determines that a person licensed as a foreign legal consultant under this rule no longer meets the requirements for licensure set forth in rule 31.18(1)(*a*) or (*b*), it will revoke the foreign legal consultant's license.

31.18(8) *Admission to bar.* If a person licensed as a foreign legal consultant under this rule is subsequently admitted as a member of the bar of this state under the rules governing admission, that person's foreign legal consultant license will be deemed superseded by the license to practice law as a member of the bar of this state.

[Court Order June 3, 2009; January 19, 2010; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.19 Certification and pro bono participation of emeritus attorneys.

31.19(1) *Purpose.* This rule establishes the emeritus attorneys pro bono participation program.

31.19(2) *Definitions.*

a. Emeritus attorney. An "emeritus attorney" is any person who is admitted to practice law in Iowa and is on inactive, active, or retired status at the time of application, or who is or was admitted to practice law before the highest court of any other state or territory of the United States or the District of Columbia, and:

(1) Does not have a pending disciplinary proceeding.

(2) Has never been disbarred or had a license to practice law revoked in any jurisdiction.

(3) Agrees to abide by the Iowa Rules of Professional Conduct and submit to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.

(4) Neither requests nor accepts compensation of any kind for the legal services to be rendered under this chapter.

(5) Is certified under this rule.

b. Active. For purposes of this rule, "active" describes lawyers with the status of corporate, full-time, part-time, government, judge, or military service for purposes of the Client Security Commission.

c. Approved legal aid organization. For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity:

(1) The structure of the organization and whether it accepts funds from its clients.

(2) The major sources of funds the organization uses.

(3) The criteria used to determine potential clients' eligibility for legal services the organization performs.

(4) The types of legal and nonlegal services the organization performs.

(5) The names of all members of the Iowa bar the organization employs or who regularly perform legal work for the organization.

(6) The existence and extent of malpractice insurance that will cover the emeritus attorney.

(7) The number of attorneys on the organization's board of directors.

(8) The availability of in-house continuing legal education.

31.19(3) *Activities.*

a. Permissible activities. An emeritus attorney, in association with an approved legal aid organization, may perform the following activities:

(1) The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal aid organization.

(2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal in this state in any matter in which the emeritus attorney is involved. Such pleadings must include the attorney's status as emeritus attorney and the name of the approved legal aid organization, except as permitted by Iowa Rule of Civil Procedure 1.423.

(3) The emeritus attorney may provide advice, screening, transactional, and other activities for clients of approved legal aid organizations.

b. Determination of nature of participation. The presiding judge or hearing officer may, in the judge's or officer's discretion, determine the extent of the emeritus attorney's participation in any proceedings before the court.

31.19(4) *Supervision and limitations.*

a. Supervision by attorney. An emeritus attorney providing legal advice through the COVID-19 Legal Information Hotline program may do so without supervision. An emeritus attorney must perform all other activities authorized by this chapter under the general supervision of the approved legal aid organization.

b. Representation of status. Attorneys permitted to perform services under this chapter may only hold themselves out as emeritus attorneys.

c. Payment of expenses and award of fees. The prohibition against compensation for the emeritus attorney contained in rule 31.19(2)(*a*)(4) does not prevent the approved legal aid organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services under this chapter or from paying continuing legal education attendance fees on behalf of the emeritus attorneys, nor does it prevent the approved legal aid organization from making such charges for its services

as it may otherwise properly charge. The approved legal aid organization is entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

31.19(5) *Certification.* Permission for an emeritus attorney to perform services under this chapter is effective upon filing with and approval by the office of professional regulation of:

a. A certification from an approved legal aid organization stating that the emeritus attorney is currently associated with that legal aid organization and that all activities of the emeritus attorney will be under the general supervision of the legal aid organization or a certification from the attorney that the attorney has completed the training provided by the COVID-19 Legal Information Hotline and will limit the attorney's activities to the pro bono provision of legal advice only to individuals referred through the COVID-19 Legal Information Hotline.

b. A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney is in good standing, does not have a pending disciplinary proceeding, and has never been disbarred or had the license to practice law revoked.

c. A sworn statement from the emeritus attorney that the emeritus attorney:

(1) Relinquishes status as an inactive, active, or retired lawyer and requests placement in emeritus status for purposes of the Client Security Commission and Commission on Continuing Legal Education.

(2) Understands and will abide by the provisions of the Iowa Rules of Professional Conduct.

(3) Submits to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.

(4) Will neither request nor accept compensation of any kind for the legal services authorized under this chapter.

31.19(6) *Withdrawal of certification.*

a. Withdrawal of permission to perform services. Permission to perform services under this chapter must cease immediately upon the filing with the office of professional regulation of a notice either:

(1) From the approved legal aid organization stating that the emeritus attorney has ceased to be associated with the organization, which notice must be filed within 30 days after such association has ceased; or

(2) From the Iowa Supreme Court, in its discretion, at any time, stating that permission to perform services under this chapter has been revoked. A copy of such notice must be mailed by the office of professional regulation to the emeritus attorney involved and to the approved legal aid organization.

b. Notice of withdrawal. If an emeritus attorney's certification is withdrawn for any reason, the approved legal aid organization must immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.

31.19(7) *Discipline.* In addition to any appropriate proceedings and discipline that may be imposed upon the emeritus attorney by the Iowa Supreme Court under the court's disciplinary rules, the Iowa Rules of Professional Conduct, or the Code of Iowa, the Iowa Supreme Court may, at any time, with or without cause, withdraw certification under this rule.

31.19(8) *Fees and annual statements.*

a. Annual report to Client Security Commission. A lawyer certified under this rule must file the annual questionnaire required by Iowa Court Rule 39.11 and the annual statement required by Iowa Court Rule 39.8(1) but is exempt from the annual disciplinary fee and fund assessment provided in Iowa Court Rules 39.5 and 39.6.

b. Annual report to Commission on Continuing Legal Education. A lawyer certified under this rule must fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education requirements set forth in Iowa Court Rule 41.3 for the calendar year in which the lawyer is first certified under this rule. The approved legal aid organization may pay the continuing legal education reporting fee on behalf of the emeritus attorney.

[Court Order March 1, 2013; December 13, 2017, effective January 1, 2018; April 17, 2020]

Rules 31.20 to **31.24** Reserved.

Rule 31.25 Forms.
Rule 31.25 — Form 1: ***Application for Admission Pro Hac Vice—District Court***

Iowa District Court for_____ County
County where your case is filed

_____	Case no._____
_____ **Plaintiff(s)** *Full name: first, middle, last*	**Application for Admission Pro Hac Vice--District Court** Iowa Court Rule 31.14
vs. _____	
_____ **Defendant(s)** *Full name: first, middle, last*	

1. Application

The undersigned seeks permission to appear pro hac vice in the above-captioned proceeding.
Applicant must complete all of the following:
If this matter involves review of an agency action, did the applicant seek admission pro hac vice in the proceedings below? ☐ Yes ☐ No
If yes, attach copies of all related documents.

a. Applicant's full name, residential address, email address, and business address.

Full name: first, middle, last	*Email address*		
Mailing address	*City*	*State*	*ZIP code*
Business address	*City*	*State*	*ZIP code*

b. The name, address, and telephone number of each client to be represented.

_____

_____

c. The courts before which the applicant has been admitted to practice and the respective periods of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.

_____

_____

_____

d. Has the applicant ever been denied admission pro hac vice in this state?

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

e. Has the applicant ever had admission pro hac vice revoked in this state?

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

f. Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? ☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

g. Has the applicant ever been formally disciplined or sanctioned by any court in this state? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

h. Has the applicant ever been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the applicant engaged in the unauthorized practice of law in this state or elsewhere? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

i. Has any formal, written disciplinary proceeding ever been brought against the applicant by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years? ☐ Yes ☐ No

If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings. Attach copies of all related documents.

j. Has the applicant ever been placed on probation by a disciplinary authority in any other jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made. Attach copies of all related documents.

k. Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court's rules or orders? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.

l. Has the applicant filed an application to appear pro hac vice in this state within the preceding two years? ☐ Yes ☐ No

If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents.

m. The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. ☐ Yes ☐ No

n. List the name, address, telephone number, email address, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the applicant's pro hac vice request.

Lawyer's name	*PIN*	*Email address*

Lawyer's address	*City*	*State*	*ZIP code*

o. The applicant acknowledges that service upon the in-state attorney in all matters connected with the proceedings will have the same effect as if personally made upon the applicant. ☐ Yes ☐ No

p. If the applicant has appeared pro hac vice in this state in five proceedings within the preceding two years, the applicant must, on a separate attached page, provide a statement showing good cause why the applicant should be admitted in the present proceeding.

q. On a separate attached page the applicant must provide any other information the applicant deems necessary to support the application for admission pro hac vice.

r. Has the applicant registered with the office of professional regulation and paid the fee as required by Iowa Court Rule 31.14(11) within five years of the date of this application? ☐ Yes ☐ No

Lawyer's Oath and Signature and Certificate of Service on next page

2. Oath and Signature

I, _____, have read this Application, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

_____, 20____ _____
Signed on: Month Day Year *Your signature**

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Telephone number *Email address* *Additional email address, if applicable*

* *If filing in paper, you must handwrite your signature on this form. If filing electronically, you may handwrite your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

Certificate of Service

The undersigned certifies a copy of this application was served on the following parties:

_____

_____

_____

on the _____ day of _____, 20_____
Month *Year*

by ☐ Personal delivery ☐ Deposit in the U.S. mail

_____
Signature of server

[Court Order March 15, 2007; June 3, 2009; December 16, 2016, effective January 1, 2017]

Rule 31.25 — Form 2: ***Application for Admission Pro Hac Vice—Iowa Supreme Court***

In the Iowa Supreme Court

_____	Case no._____
_____ **Plaintiff(s)** *Full name: first, middle, last*	**Application for Admission** **Pro Hac Vice--Iowa Supreme Court** Iowa Court Rule 31.14
vs.	
_____ **Defendant(s)** *Full name: first, middle, last*	

1. Application

The undersigned seeks permission to appear pro hac vice in the above-captioned proceeding. Applicant shall complete all of the following:

Did the applicant seek admission pro hac vice in the proceedings below? ☐ Yes ☐ No
If yes, attach copies of all related documents.

a. Applicant's full name, residential address, email address, and business address.

Full name: first, middle, last	*Email address*		
Mailing address	*City*	*State*	*ZIP code*
Business address	*City*	*State*	*ZIP code*

b. The name, address, and phone number of each client sought to be represented.

_____

_____

c. The courts before which the applicant has been admitted to practice and the respective periods of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.

_____

_____

_____

d. Has the applicant ever been denied admission pro hac vice in this state?

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

e. Has the applicant ever had admission pro hac vice revoked in this state?

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

f. Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? ☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

g. Has the applicant ever been formally disciplined or sanctioned by any court in this state? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

h. Has the applicant ever been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the applicant engaged in the unauthorized practice of law in this state or elsewhere? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

i. Has any formal, written disciplinary proceeding ever been brought against the applicant by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years? ☐ Yes ☐ No

If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings. Attach copies of all related documents.

j. Has the applicant ever been placed on probation by a disciplinary authority in any other jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made. Attach copies of all related documents.

k. Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court's rules or orders? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.

l. Has the applicant filed an application to appear pro hac vice in this state within the preceding two years? ☐ Yes ☐ No

If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents.

m. The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. ☐ Yes ☐ No

n. List the name, address, telephone number, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the applicant's pro hac vice request.

_____ _____ _____
Lawyer's name *PIN* *Email address*

_____ _____ _____ _____
Lawyer's address *City* *State* *ZIP code*

o. The applicant acknowledges that service upon the in-state lawyer in all matters connected with the proceedings will have the same effect as if personally made upon the applicant. ☐ Yes ☐ No

p. If the applicant has appeared pro hac vice in this state in five proceedings within the preceding two years, the applicant must, on a separate page, provide a statement showing good cause why the applicant should be admitted in the present proceeding.

q. On a separate attached page, the applicant must provide any other information the applicant deems necessary to support the application for admission pro hac vice.

r. Has the applicant registered with the office of professional regulation and paid the fee as required by Iowa Court Rule 31.14(11) within five years of the date of this application? ☐ Yes ☐ No

2. Oath and Signature

I, _____, have read this Application, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

_____, 20__ _____
Signed on: Month Day Year *Your signature**

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Telephone number *Email address* *Additional email address, if applicable*

**If filing in paper, you must handwrite your signature on this form. If filing electronically, you may handwrite your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

Certificate of Service on next page

Certificate of Service

The undersigned certifies a copy of this application was served on the following parties

_____

_____

_____

on the _____ day of _____, 20_____
Month *Year*

by ☐ Personal delivery ☐ Deposit in the U.S. mail

_____
Signature of server

[Court Order March 15, 2007; June 3, 2009; December 16, 2016, effective January 1, 2017]

Rule 31.25 — Form 3: ***Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster***

In the Iowa Supreme Court

	Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster Iowa Court Rule 31.17

Pursuant to Iowa Court Rule 31.17(6) the undersigned must complete the following:

1. Name

_____ _____

Lawyer's full name: first, middle, last *Name of Lawyer's firm*

2. Home state information

Residential address in lawyer's home state:

_____

Business address in lawyer's home state:

_____

Telephone numbers in lawyer's home state:

_____

Email addresses:

_____

_____

3. Iowa information

Residential address in Iowa:

_____

Business address in Iowa:

_____

Telephone numbers in Iowa:

_____

Email addresses:

_____

_____

Rule 31.25—Form 3: *Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster,* continued

4. Bar admission

List the courts before which you have been admitted to practice, the respective periods of admission, and your registration or bar numbers.

_____

_____

_____

Is your license to practice currently subject to disbarment, suspension, or restrictions in any jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the proceedings and attach copies of all related documents.

5. Temporary Practice Following Determination of Major Disaster

Specify whether you will engage in temporary practice pursuant to:

Check all that apply

☐ Iowa Court Rule 31.17(2) (pro bono legal services).

☐ Iowa Court Rule 31.17(3) (legal services reasonably related to lawyer's practice of law in the other jurisdiction, or area of such other jurisdiction, where the disaster occurred).

I agree that I am subject to the disciplinary procedures and authority of this court and the Iowa Rules of Professional Conduct, the Standards for Professional Conduct, and any applicable local rules and procedures. ☐ Yes ☐ No

Oath and Signature

I, _____, have read this Registration Statement, and
Print your name

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct and that I am licensed and in good standing and authorized to practice law in each jurisdiction listed above and my license is not subject to suspension or restriction in any jurisdiction.

_____, 20___ _____
Signed on: Month Day Year *Your signature**

_____ _____ _____ _____
Mailing address *City* *State* *ZIP code*

(_____) _____ _____ _____
Telephone number *Email address* *Additional email address, if applicable*

**If filing in paper, you must handwrite your signature on this form. If filing electronically, you may handwrite your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

[Court Order May 14, 2007; December 16, 2016, effective January 1, 2017]

CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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Rule 34.2	Grievance commission; vice chair duties
Rule 34.3	Substitutions and vacancies on the grievance commission
Rule 34.4	Confidentiality of grievance commission
Rule 34.5	Retention of grievance commission records

ATTORNEY DISCIPLINARY BOARD

Rule 34.6	Iowa Supreme Court Attorney Disciplinary Board
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GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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Rule 34.19	Reciprocal discipline
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Rule 34.22	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
Rule 34.23	Suspension generally
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REINSTATEMENT AND READMISSION

Rule 34.25	Procedure on application for reinstatement or readmission

CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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, any 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]

COMMENT: Rule 34.1 formerly appeared at Iowa Court Rule 35.1. It is amended to delete the requirement for annual designation of the grievance commission chair. The requirement for administrative committee review of the annual grievance commission budget also is removed. Responsibility for formulation and submission of the annual budget for the grievance commission is addressed in chapter 49 of the Iowa Court Rules. Jurisdictional requirements are deleted from the rule and replaced by a reference to the new jurisdiction provision in rule 34.10. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.2 formerly appeared as Iowa Court Rule 36.1. It is amended to remove the specific designation of the assistant director for boards and commissions as the grievance commission clerk to provide more flexibility in assignment of duties within the office of professional regulation. The provision for short-form references to the grievance commission is moved to rule 34.1(1). [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.3 formerly appeared as Iowa Court Rule 36.16. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.4 formerly appeared as Iowa Court Rule 36.18. Rule 34.4(8) is added to clarify application of the public disclosure rule to commission recommendations in cases involving respondents not licensed in Iowa. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.5 formerly appeared as Iowa Court Rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

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 any attorney 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, any attorney against whom an ethical complaint is filed. To avoid even the appearance of impropriety, a disciplinary board member should not represent any 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]

COMMENT: Rule 34.6 formerly appeared as Iowa Court Rule 35.2. It is amended to delete the requirement for annual designation of the disciplinary board chair. The requirement for an administrative committee for review and submission of the annual disciplinary board budget also is removed. Responsibility for formulation and submission of the annual budget for the disciplinary board is placed with the director of the office or professional regulation, which is consistent with the budget provisions for other boards and commissions of the office of professional regulation in chapter 49 of the Iowa Court Rules. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.7 is adapted from rule 4C of the ABA Model Rules for Lawyer Disciplinary Enforcement. The supreme court adopted a similar prohibition for the disciplinary board in 2005. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.8 formerly appeared as Iowa Court Rule 35.29. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.9 formerly appeared as Iowa Court Rule 35.26. It is amended to make clear its application to all three chapters. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.10 Jurisdiction.

34.10(1) *Attorneys admitted to practice.* Any 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, any attorney an Iowa court specially admits for a particular proceeding, and any 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]

COMMENT: Rule 34.10 is adapted from rule 6 of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rules 34.12(1) and 34.12(2) formerly appeared at Iowa Court Rule 35.24. Rule 34.12(3) is adapted from rule 12B of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.13 formerly appeared as Iowa Court Rule 35.25. [Court Order January 26, 2016, effective April 1, 2016]

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]

COMMENT: Rule 34.14 formerly appeared as Iowa Court Rule 35.4. [Court Order January 26, 2016, effective April 1, 2016]

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) Any 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 34.25, 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 as set forth above must, within 10 days, transmit a certified record of the proceedings to the supreme court clerk.

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

COMMENT: Rule 34.15 formerly appeared as Iowa Court Rule 35.15. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.16 Suspension or revocation on consent.

34.16(1) An attorney subject to investigation by the disciplinary board or the 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. 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 made available to the public upon request.

[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]

COMMENT: Rule 34.16 formerly appeared as Iowa Court Rule 35.16. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.17 Disability suspension.

34.17(1) In the event an attorney is at any time in any jurisdiction duly adjudicated a mentally incapacitated person, or a person with a substance-related 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 10 days, certify the adjudication or commitment to the supreme court clerk.

34.17(2) Upon the filing of an adjudication or commitment certificate or a like certificate from another jurisdiction, upon a supreme court determination pursuant to a sworn application on behalf of a local bar association, or upon a disciplinary board 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 has been 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. 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. 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) 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) Any 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) 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)

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) 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, 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) 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 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 experts request.

34.17(9) 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]

COMMENT: Rule 34.17 formerly appeared as Iowa Court Rule 35.17. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

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

34.18(1) Upon a sworn application on behalf of a local bar association, an attorney or entity designated or nominated on a standby basis as described in Iowa Court Rule 39.18, the Client Security Commission, or the 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]

COMMENT: Rule 34.18 formerly appeared as Iowa Court Rule 35.18. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.19 Reciprocal discipline.

34.19(1) Any 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 10 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. Rule 34.25 applies to any subsequent reinstatement or reduction or stay of discipline.

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

COMMENT: Rule 34.19 formerly appeared as Iowa Court Rule 35.19. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.20 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 a 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 $100 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.

[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]

COMMENT: Rule 34.20 formerly appeared as Iowa Court Rule 35.20. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.21 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 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.

[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]

COMMENT: Rule 34.21 formerly appeared as Iowa Court Rule 35.21. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.22 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 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.

[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]

COMMENT: Rule 34.22 formerly appeared as Iowa Court Rule 35.22. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.23 Suspension generally.

34.23(1) In the event 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. The suspension period will start ten days from the date of the order unless the order states otherwise. In the order of suspension or by order at any time before reinstatement, the supreme court may require

the suspended attorney to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination.

34.23(2)

a. An attorney whose license has been suspended for a period not exceeding 60 days is not required to comply with the procedure set forth in rule 34.25 but instead must file an application for reinstatement without hearing at least seven (7) days before the attorney's date of reinstatement, certifying that:

(1) The attorney has completed all of the requirements set forth in the order(s) that suspended the attorney.

(2) All costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of Iowa Court Rules 39.14(2), 39.17, and 41.10(2) are completed.

(3) The attorney has complied with the notification requirements of rule 34.24.

(4) The attorney is not subject to any denials of reinstatement pursuant to rule 34.25(18), 34.25(19), or 34.25(20).

b. The disciplinary board or Client Security Commission may file and serve within the suspension period 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. Reinstatement will not be ordered until 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.

34.23(3) Any attorney suspended must refrain during such 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. Such 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(4) 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 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]

COMMENT: Rule 34.23 formerly appeared as Iowa Court Rule 35.13. Rule 34.23(2) is amended from former rule 35.13(2) to make clear that satisfaction of reinstatement requirements with the Commission on Continuing Legal Education and the Client Security Commission is a condition precedent to automatic reinstatement, as it is for reinstatement upon application. The rule also is amended to require curtailment of advertising, to the extent possible, during the period of suspension. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.24 Notification of clients and counsel.

34.24(1) In every case in which an attorney is ordered to be disbarred or suspended, the attorney must do all of the following:

a. Within 15 days notify in writing the attorney's clients in all pending matters of the need to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.

b. Within 15 days deliver to all clients represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place for obtaining the papers and other property, calling attention to any urgency for obtaining the papers or other property.

c. Within 30 days refund any part of any fees paid in advance that have not been earned.

d. Within 15 days notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties of the attorney's disbarment or suspension and consequent disqualification to act as an attorney after the effective date of such discipline or transfer to disability inactive status.

e. Within 15 days file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.

f. Keep and maintain records of the steps taken to accomplish the foregoing.

g. Within 30 days file with the disciplinary board copies of each notice sent pursuant to the requirements of this rule and proof of complete performance of the requirements. This is a condition for reinstatement to practice.

34.24(2) The times set forth in rules 34.24(1)(c) and 34.24(1)(g) are reduced to 15 days for respondents who are exempted from filing an application for reinstatement under rule 34.23.

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

COMMENT: Rule 34.24 formerly appeared as Iowa Court Rule 35.23. [Court Order January 26, 2016, effective April 1, 2016]

REINSTATEMENT AND READMISSION

Rule 34.25 Procedure on application for reinstatement or readmission. Any person whose certificate to practice law in this state has been suspended or revoked may apply for reinstatement or readmission subject to the following rules.

34.25(1) *Application.*

a. A proceeding for reinstatement to the practice of law in Iowa must be commenced by written application to the supreme court filed with the supreme court clerk not more than 60 days prior to expiration of the suspension period.

b. The application must state the date of the applicant's original admission, the date and duration of suspension, and that the applicant has complied in all respects with any orders or judgments of the supreme court relating to the suspension.

c. The application must be verified by the oath of the applicant as to the truth of the statements made in the application.

d. The applicant must also submit to the supreme court 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 at least three reputable 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 suspension, the applicant must also file a recommendation from three attorneys in good standing and currently practicing law in the district where the applicant resided at the time of suspension. The required recommendations may not be from judges or magistrates.

e. The applicant must also submit 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.

f. The applicant must submit 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 written notice containing the date of the 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 attorney general.

b. The county attorney where the applicant resides.

c. The county attorney where the applicant resided at the time of suspension.

d. The chair of the Iowa Board of Law Examiners.

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

f. Each judge of the district in which the applicant resided at the time of suspension.

g. The president of a local bar association where the applicant resides.

h. The president of a local bar association where the applicant resided when the certificate was suspended.

i. The president of The Iowa State Bar Association.

34.25(3) *Written statements.* After receipt of the notice and before the date fixed for hearing, the persons provided notice in rule 34.25(2) 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 provide notice to the court and the opposing party of 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 only upon good cause shown.

34.25(5) *Hearing.* The reinstatement 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 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.

34.25(7) *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 34.25, "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."

34.25(8) *Pre-filing 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 an administrative fee of $525 to the Iowa Board of Law Examiners.

34.25(9) *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 Iowa Board of Law Examiners.

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 34.24 and any supreme court orders 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 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.

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.

34.25(10) *Iowa Board of Law Examiners' report.* After the application for readmission is filed with the supreme court clerk, the Iowa Board of Law Examiners will file a report and recommendation with the supreme court regarding the applicant's character and fitness.

34.25(11) *Supreme court actions on application.* Upon review of the application for readmission from a revoked attorney, 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 34.25(12). 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 application for readmission.

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.

34.25(12) *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 attorney general.

b. The county attorney where the applicant resides.

c. The county attorney where the applicant resided at the time of revocation.

d. The chair of the Iowa Board of Law Examiners.

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

f. Each judge of the district in which the applicant resided at the time of revocation.

g. The president of a local bar association where the applicant resides.

h. The president of a local bar association where the applicant resided at the time of revocation.

i. The president of The Iowa State Bar Association.

34.25(13) *Written statements.* Such persons, after receipt of the notice and before the date fixed for hearing, may submit to the supreme court clerk written statements of fact and comments regarding the applicant's current fitness to practice law.

34.25(14) *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.

34.25(15) *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.

34.25(16) *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 supreme court does not require the applicant to pass the bar examination, it will impose a requirement that the applicant must report up to 100 hours of continuing legal education. 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.

34.25(17) *Applicability of rules to attorneys permanently enjoined from practicing law in Iowa.* Rules 34.25(7) through 34.25(16) also apply 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 those rules, and their applications will be processed in the same manner.

34.25(18) *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.

34.25(19) *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.

34.25(20) *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; June 30, 2023, effective July 1, 2023]

COMMENT: Rule 34.25 formerly appeared as Iowa Court Rule 35.14. [Court Order January 26, 2016, effective April 1, 2016]

CHAPTER 46

RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

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CHAPTER 46
RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

Rule 46.1 Authorization and scope. The rules in this chapter are adopted in conjunction with Iowa Code sections 602.3101 through 602.3302. They apply to all proceedings, functions, and responsibilities of shorthand reporters and the board of examiners.
[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.2 Definitions. In this chapter:

(1) "Certified shorthand reporter" is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer — technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter's duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better. Individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing the association's examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter's duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better.

(2) "Shorthand" is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.

(3) "Shorthand reporting" is the professional skill, the practice of which by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.
[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.3 Organization; meetings; information.

46.3(1) The officers of the Board of Examiners of Shorthand Reporters (board) are a chairperson selected by the supreme court of Iowa and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each must perform the duties incumbent upon the office.

46.3(2) The board must hold regular meetings for examination of applicants and the transaction of other business at least twice per year. Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board constitutes a quorum. Business must not be conducted unless a quorum is present. All actions of the board require a simple majority vote of those present.

46.3(3) The board must at least 60 days prior to the start of each fiscal year or on a date otherwise requested by the supreme court submit to the court for consideration and approval a budget covering the board's operations for the upcoming fiscal year. Approval of the budget by the court will authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the certified reporter operating account for payment of the board's authorized expenditures.

46.3(4) The executive director of the office of professional regulation will serve as the administrator for the board. Information may be obtained from the executive director at the Office

of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.
[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

Rule 46.4 Applications. Candidates for examination must make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose may include illness, military service, unavoidable casualty or misfortune, or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter must not be examined until the applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:

46.4(1) The applicant has attained proficiency of 200 words per minute or more in a shorthand reporting course.

46.4(2) The applicant has had at least two years of experience as a shorthand reporter in making verbatim records of judicial or related proceedings.

46.4(3) The applicant has graduated from a shorthand reporting school approved by the National Court Reporters Association.
[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.5 Examination.

46.5(1) Applicants are required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as required at varying speeds within the standard.

46.5(2) Applicants will be examined with respect to their knowledge of the statutory duties of a court reporter, general Iowa court procedure, and correct English usage at a 70 percent or better accuracy rate.

46.5(3) Applicants are required to transcribe such part of the dictation as the board of examiners may indicate.

46.5(4) Applicants are required to read aloud such part of the dictated matter as the board of examiners may indicate.

46.5(5) Applicants are required to furnish their own equipment and supplies for taking shorthand. Applicants must make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.

46.5(6) Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination must be returned to the board.

46.5(7) Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters must be used as a guide to procedure.
[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.6 Certification. Each person who has achieved the designation of certified shorthand reporter will be issued a certificate by the board. The certificate may be signed by the chairperson and secretary or by all of the board members.
[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.7 Fees.

46.7(1) The fee for each examination is $200.

46.7(2) The fee for annual renewal is $85.

46.7(3) The fee for late filing of an annual report is $100.

46.7(4) The fee for reinstatement from a suspension is $100.

46.7(5) The fee for reinstatement for one granted a certificate of exemption is $50.

46.7(6) The fee for an extension for obtaining continuing education credit is $50.
[Court Order June 5, 2008, effective July 1, 2008; July 17, 2013, effective September 1, 2013]

Rule 46.8 Continuing education requirement.

46.8(1) Units of continuing education credits as approved by the board must be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements will be grounds for disciplinary action under rule 46.11. In order to comply, a reporter must meet the requirements of rule 46.8(1)(*a*) or 46.8(1)(*b*):

a. Continuing education requirements.

(1) A reporter must obtain at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit equals .1 CEU.

(2) Continuing education activities must be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional, or state seminar will be acceptable.

(3) CEUs earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but cannot be carried over to any successive three-year period.

(4) The annual reporting cycle will run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.

b. Alternative requirements. In lieu of the requirements set forth in rule 46.8(1)(*a*), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.

46.8(2) The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education 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 is made and signed by the reporter. The board 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 board.

46.8(3) Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption must contain a statement that the applicant will not engage in the practice of shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.

46.8(4) Inactive practitioners who have been granted a certificate of exemption from these regulations or who have been suspended must, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of $50.

b. Furnish in the application evidence of one of the following:

(1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.

(2) Completion of CEUs sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.

c. Successfully passing the written knowledge test set forth in rule 46.5(2), if it was not passed within a three-year period immediately prior to submission of such application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 46.9 Approval of activity. A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations must submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested. Within 60 days after receipt of such application, the board must advise the reporter in writing by electronic mail whether the activity is approved and the number of hours are allowed. A reporter not complying with the requirements of this rule may be denied credit for such activity.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.10 Continuing education reports.

46.10(1) On or before December 1 of each year, each reporter must file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the prior reporting period. The report, along with the annual renewal fee, must be submitted and filed electronically using the reporter's account with the office of professional regulation.

46.10(2) All active reporters who fail to file the annual report on or before December 1 of each year must pay a penalty of $100.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.11 Penalty for failure to satisfy continuing education requirements. The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits, provided that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter must be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board must grant a hearing if requested. If the board orders a suspension or revocation it must notify the reporter by either of the methods provided above. The suspension or revocation must continue until the board has approved the reporter's written application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.12 Disciplinary action. The board may, upon its own initiative, at the request of the Iowa Supreme Court, or pursuant to complaint by a third party, begin disciplinary procedures against any reporter for violations of the board rules or the Code of Iowa.

46.12(1) Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint must include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter that the complainant may have concerning the matter.

46.12(2) Such complaint, which will be held in confidence as required by law, must be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board must advise the reporter in writing of the charges involved. The reporter has 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board must then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.13 Causes for disciplinary action. The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

46.13(1) All grounds listed in Iowa Code section 602.3203.

46.13(2) Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

46.13(3) Conviction of a misdemeanor related to the profession or occupation of the reporter.

46.13(4) Unless otherwise required by law, a violation of Iowa Rule of Civil Procedure 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

46.13(5) The board's receipt of a certificate of noncompliance from Child Support Services pursuant to the procedures set forth in Iowa Code chapter 252J.

46.13(6) The board's receipt of a certificate of noncompliance from the Iowa College Student Aid Commission pursuant to the procedures set forth in Iowa Code chapter 261.

46.13(7) The board's receipt of a certificate of noncompliance from the Central Collection Unit of the Iowa Department of Revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

[Court Order June 5, 2008, effective July 1, 2008; December 12, 2011; December 13, 2017, effective January 1, 2018; June 30, 2023, effective July 1, 2023]

Rule 46.14 Contested case proceedings.

46.14(1) Contested case proceedings that involve possible disciplinary sanctions must be set for hearing on not less than 10 days' notice to all parties. Notice of hearing must be in writing and must be served either by personal service or certified mail, return receipt requested.

46.14(2) The notice must include all of the following information:

a. A statement of the time, place, and nature of the hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rules involved.

d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.

46.14(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjustment is granted, proceed with the hearing and make a decision in the absence of the party.

46.14(4) Opportunity should be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

46.14(5) Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by another method agreed upon by the parties in writing.

46.14(6) After the conclusion of a hearing, the board must take any of the actions set forth in rule 46.15. The board's actions must be set forth in writing, and a copy of the conclusions and decisions must be served upon all parties and the Iowa Supreme Court. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board must be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it must report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.

46.14(7) Procedures for the handling of all contested case proceedings are governed, to the extent not specifically set forth in this chapter, by the Iowa Administrative Procedure Act.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.15 Disciplinary sanctions. The board may, based upon the evidence presented, take one or more of the following actions:

46.15(1) Dismiss the charges.

46.15(2) Informally stipulate and settle any matter relating to the reporter's discipline.

46.15(3) Require additional professional education.

46.15(4) Issue a citation and warning regarding the reporter's behavior.

46.15(5) Reprimand.

46.15(6) Impose a period of probation.

46.15(7) Require retesting.

46.15(8) Suspend the certificate.

46.15(9) Revoke the certificate.

[Court Order June 5, 2008, effective July 1, 2008; September 19, 2022, effective October 1, 2022]

Rule 46.16 Military service and veteran reciprocity.

46.16(1) *Definitions.* In this rule:

a. "Military service" means honorably serving: in federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. section 10101.

b. "Military service applicant" is an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

c. "Veteran" is an individual who meets the definition of "veteran" in Iowa Code section 35.1(2).

46.16(2) *Military education, training, and service credit.* A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for certification by submitting a military service application to the board.

a. The application may be submitted with an application for certification or examination or prior to an applicant's applying for certification or to take an examination. No fee is required for submission of an application for military service credit.

b. The applicant must identify the experience or educational certification requirement to which the credit would be applied if granted. Credit may not be applied to an examination requirement.

c. The applicant must provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (DD Form 2586).

d. Upon receipt of a completed military service application, the board will promptly determine whether the verified military education, training, or service satisfies all or any part of the identified experience or educational qualifications for certification.

e. The board will grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for certification.

f. The board will inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for certification, or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

g. A military service applicant aggrieved by the board's decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs may be assessed against the military service applicant in connection with a contested case conducted pursuant to this rule 46.16(2).

h. The board will grant or deny the military service application prior to ruling on the application for certification. The applicant is not required to submit any fees in connection with the certification application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the certification application or request that the application be placed in pending status for up to one year or as mutually agreed. Withdrawal of a certification application does not preclude subsequent applications supported by additional documentation or information.

46.16(3) *Veteran reciprocity.*

a. A veteran with an unrestricted professional certificate as a shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. A veteran must pass any examinations required for certification to be eligible for certification through reciprocity and will be given credit for examinations previously passed when consistent with board rules on examination requirements. A veteran's fully completed application for certification submitted under rule 46.16(3) will be expedited and given priority.

b. A veteran's application for certification must contain all of the information required of all applicants for certification who hold unrestricted certificates in other jurisdictions and who are applying for certification by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant must use the same forms as any other applicant for certification by reciprocity and must additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2).

c. Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.

d. The board will promptly grant a certificate to the veteran if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.

e. If the board determines that the certification requirements in the jurisdiction in which the veteran is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the veteran of the additional experience, education, or examinations required for certification in Iowa.

f. Unless the applicant is ineligible for certification based on other grounds, such as disciplinary or criminal background, the following apply:

(1) If a veteran has not passed the required examinations for certification, the applicant may not be issued a provisional certificate but may request that the certification application be placed in pending status for up to one year or as mutually agreed to provide the veteran with the opportunity to satisfy the examination requirements.

(2) If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional certificate for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board may issue a provisional certificate for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare, or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional certificate is granted.

(3) If a request for a provisional certificate is denied, the board will issue an order fully explaining the decision and inform the applicant of the steps the applicant may take to receive a provisional certificate.

(4) If a provisional certificate is issued, the application for full certification will be placed in pending status until the applicant successfully completes the necessary experience or education or the provisional certificate expires, whichever occurs first. The board may extend a provisional certificate on a case-by-case basis for good cause.

g. A veteran who is aggrieved by the board's decision to deny an application for a reciprocal certificate or a provisional certificate, or who is aggrieved by the terms under which a provisional certificate will be granted, may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs will be assessed against the veteran in connection with a contested case conducted pursuant to this rule 46.16(3).

46.16(4) *Substantially equivalent certification requirements.* The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate, by examination administered by the licensing authority of the jurisdiction, proficiency in shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.17 Certification by reciprocity.

46.17(1) An applicant with an unrestricted professional certificate as a stenographic shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. The applicant will be given credit for examinations previously passed when consistent with board rules on examination requirements.

46.17(2) An applicant's application for certification must contain completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check.

46.17(3) Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the applicant is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: method of practice, scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.

46.17(4) The board will promptly grant a certificate to the applicant if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.

46.17(5) If the board determines that the certification requirements in the jurisdiction in which the applicant is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the applicant of the additional experience, education, or examinations required for certification in Iowa.

46.17(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal certificate may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision.

46.17(7) The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate by examination, administered by the licensing authority of the jurisdiction, proficiency in stenographic shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order October 15, 2015; December 13, 2017, effective January 1, 2018]

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

I. General

Standards 1-3

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Commentary

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-related 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-related 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-related 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).

[Court Order August 28, 2018; June 30, 2023, effective July 1, 2023]

CHAPTER 63
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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 abuse, 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]