

The Iowa Supreme Court

FILED

JUL 20 2017

CLERK SUPREME COURT

In the Matter of the Iowa Rules)
of Appellate Procedure—Including)
Internal Rule References,)
New Form 11 of Rule 6.1401, and)
Amendments to Tables)

Order

The Iowa Supreme Court approves corrections to a number of internal rule references in the Iowa Rules of Appellate Procedure contained in chapter 6 of the Iowa Court Rules. The court also approves a new Certificate of Confidentiality as form 11 of rule 6.1401, as referenced in rule 6.110(2). In addition, the court approves amendments to various tables in chapter 6.

Rule 6.110(2) requires parties to certify the nature of a document’s confidentiality by including a certificate of confidentiality as the first page of the document. The rule provides that “The certificate page must substantially comply with form 11 in rule 6.1401.”

The “Table of Corresponding Numbers,” inserted after the list of contents of chapter 6 in 2009 as part of the renumbering of the chapter, will be removed. Minor changes are made to the Appellate Procedure Timetables in rule 6.1505, primarily to account for electronic filing with EDMS. Finally, two columns in Tables A and B of rule 6.1601, setting forth requirements for numbers of copies of briefs to file and for cover page colors, are deleted as no longer necessary with EDMS electronic filing.

These changes to chapter 6 are provided with this order, and the changes are highlighted for easier reference.

These amendments to the Iowa Rules of Appellate Procedure in chapter 6 of the Iowa Court Rules, as provided with this order, are effective immediately, with the exception of rules 6.102 and 6.104, which are temporarily adopted but effective immediately and to permanently take effect September 18, 2017,

subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

Dated this 20th day of July, 2017.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice

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[Delete Table]

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(For appellate rules taking effect January 1, 2009)

(Showing equivalent or comparable provisions.)

Former No.	No.	No.	New No.	New No.
6.1(1)-(3)	6.103	6.10(2)(c)	6.803(1) 6.804(3)	6.13 6.901
6.1(4)	6.108	6.10(2)(d)	6.803(5) 6.805(1)-(2)	6.14 6.1 1) 6.903 6.904 6.905
6.2	6.103(3) 6.104	6.10(2)(e)		6.15
6.3	6.105	6.10(2)(1)	6.803(4)	6.16(1) 6.903(1)(a)-(f) 6.905(3)
6.4	6.907	6.10(2)(g)	6.803(2)	6.16(2) 6.1007
6.5	6.101 6.104(1)(b)(2)	6.10	6.803(3),(5)	6.16(3) 6.903(1)(h) 6.905(13)
6.6(1)	6.102(2)	6.10(3)	6.806	6.17 6.902
6.6(2)	6.104(3)	6.10(4)	6.807	6.18 6.906
6.6(3)	6.102(1)	6.11	6.802	6.19 6.1006(1) 6.1202
6.6(4)	6.102(1)(b) 6.201	6.12(1)	6.109(2) 6.702	6.20(1) 6.1003(2)
6.7	6.601	6.12(2)	6.702 6.803(3)	6.20(2) 6.101(5) 6.104(1)(b)(3) 6.106(1)(b) 6.107(1)(b) 6.1003(1)
6.8	6.602	6.12(3)	6.1202(1)(a)	6.21(1)-(5) 6.908
6.9	6.603	6.12(4)	6.1202(1)(a)	6.21(6)-(7) 6.1102(1)(2)
6.10(1)	6.801	6.12(5)	----	6.22(1)-(2) 6.1001
6.10(2)(a)		6.12(6)	6.1201	6.22(3)-(10) 6.1002
6.10(2)(b)		6.12(7)	6.1004	6.22(11) 6.604

Former No.	New No.	Former No.	New No.	Former No.	New No.
6.23	6.1006	6.151	6.201	6.457	----
6.24	6.1203	6.152	6.202	6.458	6.304(1)(2)
6.25	6.1209	6.153	6.204	6.459	6.304(3)
6.26	6.1206	6.154	6.205	6.460	6.305
6.27	6.1205	6.201	6.106 6.702	6.461	----
6.28	6.1204	6.202	6.106(2)	6.501	6.501
6.29	6.1207	6.203	6.106(3) 6.702(1)(e) 6.702(2)	6.502	6.401
6.30	6.1208	6.301	6.107(1)	6.601	6.1301
6.31	6.701	6.302	6.107(2)		6.1501 Table 1
6.32	6.109(4),(5)	6.303	6.107(4)-(5) 6.702(1)(d)		6.1501 Table 2
6.33	6.1005	6.304			6.1501 Table 3
6.34	6.110	6.401	6.1101	6.751 Form 1	6.1401 Form 2
6.35	6.702(1)	6.402	6.1103	6.751 Form 2	6.1401 Form 3
6.101	6.101(1)(b) 6.102(2)(b)	6.451	6.301	6.751 Form 3	6.1401 Form 4
6.102	6.701(3) 6.802(1)(2) 6.804	6.452	6.302	6.751 Form 4	6.1401 Form 5
6.103	6.702	6.453	6.302(4)	6.751 Form 5	6.1401 Form 6
6.104	6.1005	6.454	6.302(3) 6.303(1)(2)	6.751 Form 6	----
6.105	6.803(3)(a) 6.902(1)(e)	6.455	6.302(3) 6.303(3)		
6.106	6.701(3)	6.456	6.302(2)		

CHAPTER 6 RULES OF APPELLATE PROCEDURE

DIVISION I

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

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Rule 6.102 Initiation of appeal from a final judgment.

6.102(1) *From final orders in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.*

a. Notice of appeal. An appeal from a final order or judgment in a termination-of-parental-rights or a child-in-need-of-assistance case under Iowa Code chapter 232 is initiated by filing the notice of appeal with the clerk of the district court where the order or judgment was entered within the time provided in rule 6.101(1)(a). The notice of appeal cannot be filed unless signed by both the appellant's counsel and the appellant. The notice of appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. *See* Iowa R. Elec. P. 16.201(35). An informational copy of the notice of appeal must be filed electronically with the clerk of the supreme court.

(1) Contents of notice of appeal. The notice of appeal shall specify the parties taking the appeal and the decree, judgment, order, or part thereof appealed from. The notice shall substantially comply with form 4 in rule 6.1401.

(2) Special service of the notice of appeal. The notice of appeal must be served upon any court reporter who reported a proceeding that is the subject of the appeal in the manner stated in rule 6.702(4) and upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal must include a certificate of service in the form provided in Iowa R. Civ. P. 1.442(7).

b. Petition on appeal. An appeal in a termination-of-parental-rights or a child-in-need-of-assistance case will be dismissed unless a petition on appeal is timely filed as set forth in rule 6.201(1)(b).

6.102(2) *From final orders appealable as a matter of right in all other cases.* An appeal from a final order appealable as a matter of right in all cases other than termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232 is taken by filing a notice of appeal with the clerk of the district court where the order or judgment was entered within the time provided in rule 6.101(1)(b). The notice of appeal shall be signed by either the appellant's counsel or the appellant.

a. Contents of the notice of appeal. The notice of appeal shall specify the parties taking the appeal and the decree, judgment, order, or part thereof appealed from. The notice shall substantially comply with form 1 in rule 6.1401.

b. Special service of the notice of appeal. The notice of appeal must be served upon any court reporter who reported a proceeding that is the subject of the appeal in the manner stated in rule ~~6.702(3)~~ 6.702(4). If the State is a party to the case, the notice of appeal must also be served upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal must include a certificate of service in the form provided in Iowa R. Civ. P. 1.442(7). An informational copy of the notice of appeal must be filed electronically with the clerk of the supreme court.

6.102(3) *Filing fee.* Within seven days of filing the notice of appeal, the appellant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rule ~~6.702~~ 6.703.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017; Court Order February 16, 2017, temporarily effective March 1, 2017, permanently effective April 17, 2017]

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Rule 6.104 Review of interlocutory rulings or orders.

6.104(1) *Application for interlocutory appeal.*

a. Applicability. Any party aggrieved by an interlocutory ruling or order of the district court may apply to the supreme court for permission to appeal in advance of final judgment.

b. Time for filing.

(1) Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa

Code chapter 232. An application for interlocutory appeal in an Iowa Code chapter 232 termination-of-parental-rights or a child-in-need-of-assistance case must be filed within 15 days after entry of the challenged ruling or order. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 15 days after the filing of the ruling on such motion. The application for interlocutory appeal cannot be filed unless signed by both the applicant's counsel and the applicant. An application for interlocutory appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). If the application is granted, the appellant must file a petition on appeal as set forth in rule 6.201(1)(b). The failure to file a timely petition on appeal will result in the dismissal of the appeal.

(2) All other cases. An application for interlocutory appeal must be filed within 30 days after entry of the challenged ruling or order. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days after the filing of the ruling on such motion. (3)

Extensions of time. No extension of the filing deadlines in this rule will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the clerk of the district court to notify the applicant of the ruling or order. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing an application for interlocutory appeal. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

c. Special service of the application. The application must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).

d. Content and form of application. The application shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the applicant shall state with particularity the substantial rights affected by the ruling or order, why the ruling or order will materially affect the final decision, and why a determination of its correctness before trial on the merits will better serve the interests of justice. The date of any impending hearing, trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the application.

e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rules [6.702\(1\)\(b\) and 6.702\(2\)](#) [6.703\(2\)\(a\) and 6.703\(2\)\(b\)](#).

f. Filing of the application does not stay district court proceedings. The filing of an application for interlocutory appeal does not stay district court proceedings. The applicant may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application for a stay order by the supreme court must state the dates of any proceedings to be stayed and why a stay is necessary.

6.104(2) Resistance, consideration, and ruling. The application may be resisted and will be considered in the same manner provided for motions in rule 6.1002. The supreme court may grant permission to appeal on finding that such ruling or order involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice. An order granting an appeal under this rule shall stay further proceedings below, may require bond, and may expedite the time for briefing and submission.

6.104(3) Procedure after order granting application. The clerk of the supreme court will promptly transmit a copy of the order granting the interlocutory appeal to all counsel of record, all parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the interlocutory appeal. See rule 6.702(4). Further proceedings will be had pursuant to the rules of appellate procedure.

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

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Rule 6.106 Discretionary review.

6.106(1) Application for discretionary review.

a. Applicability. An application for discretionary review may be filed with the clerk of the supreme court to review certain orders specified by statute which are not subject to appeal as a matter of right.

b. Time for filing. An application for discretionary review must be filed within 30 days after entry of the challenged ruling, order, or judgment of the district court. However, if a motion is timely filed

under Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days after the filing of the ruling on such motion. No extension of such time will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the district court clerk to notify the applicant of the ruling, order, or judgment. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than

60 days after the expiration of the time for filing an application for discretionary review. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

c. Special service of the application. The application must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).

d. Content and form of application. The application shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the applicant shall state with particularity the grounds upon which discretionary review should be granted. The date of any impending hearing, trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the application.

e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rule 6.702(1)(e) and 6.702(2) 6.703(2)(a) and 6.703(2)(b).

f. Filing of the application does not stay district court proceedings. The filing of an application for discretionary review does not stay district court proceedings. The applicant may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application to the supreme court for a stay order must set forth the dates of any proceedings to be stayed and why a stay is necessary.

6.106(2) Resistance, consideration, and ruling. The application may be resisted and will be considered in the same manner provided for motions in rule 6.1002. The supreme court may grant discretionary review upon a determination that (1) substantial justice has not been accorded the applicant, (2) the grounds set forth in rule 6.104(1)(d) for an interlocutory appeal exist, or (3) the grounds set forth in any statute allowing discretionary review exist. An order allowing discretionary review under this rule may stay further proceedings below, may require bond, and may expedite the time for briefing and submission.

6.106(3) Procedure after order granting application. The clerk of the supreme court shall promptly transmit a copy of the order granting discretionary review to the attorneys of record, any parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting discretionary review. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure.
[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

Rule 6.107 Original certiorari proceedings.

6.107(1) Petition for writ of certiorari.

a. Applicability. Any party claiming a district court judge, an associate district court judge, an associate juvenile judge, or an associate probate judge exceeded the judge's jurisdiction or otherwise acted illegally may commence an original certiorari action in the supreme court by filing a petition for writ of certiorari as provided in these rules.

b. Time for filing. A petition for writ of certiorari must be filed within 30 days after the challenged decision. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the petition must be filed within 30 days after the filing of the ruling on such motion. No extension of such time may be allowed except upon a showing that the failure to file the petition within the time provided was due to a failure of the district court clerk to notify the plaintiff of the challenged decision. A motion for an extension of time must be filed with the clerk of the supreme court and a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing a petition for writ of certiorari. The motion and any resistance must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

c. Special service of the petition. The petition must be served upon the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).

d. Content and form of petition. The caption of the petition shall name the challenging party as the plaintiff and the district court, not the judge, as the defendant. The date of any impending hearing,

trial, or matter needing immediate attention of the court shall be prominently displayed beneath the title of the petition. The petition shall follow the content and form requirements of rules 6.1002(1) and 6.1007. In addition, the petition shall state whether the plaintiff raised the issue in the district court, identify the interest of the plaintiff in the challenged decision, and state the grounds that justify issuance of the writ.

e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rule ~~6.702(1)(d) and 6.702(2)~~ 6.703(2)(a) and 6.703(2)(b).

f. Filing of petition does not stay district court proceedings. The filing of a petition for writ of certiorari does not stay the district court proceedings. The plaintiff may apply to the district court for a continuance or a stay of proceedings or to the supreme court for a stay of proceedings. Any application to the supreme court for a stay order must state the dates of any proceedings to be stayed and why a stay is necessary.

6.107(2) Resistance, consideration, and ruling. A petition for writ of certiorari may be resisted and will be considered in the same manner provided for motions in rule 6.1002. An order granting the petition may stay further proceedings below, may require bond, and may expedite the time for briefing and submission. The clerk of the supreme court shall promptly transmit a copy of the ruling on the petition to the attorneys of record, any parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party.

6.107(3) Issuance of writ. If the petition for writ of certiorari is granted, the clerk of the supreme court shall issue a writ under its seal. The original writ shall be transmitted to the clerk of the district court and shall constitute service on the district court.

6.107(4) Procedure after order granting petition. The plaintiff must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the petition. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure. The appellate rules applicable to appellants shall apply to plaintiffs and those applicable to appellees shall apply to defendants.

6.107(5) Representation of district court. Parties before the district court other than the certiorari plaintiff shall be required to defend the district court and make all filings required of the defendant under these rules unless permitted to withdraw by the supreme court. A party required to defend the district court under this rule may file an application to withdraw stating (1) whether the applicant raised the issue addressed in the challenged decision in the district court, (2) the interest or lack of interest of the applicant in the challenged decision, and (3) the grounds justifying withdrawal. The application to withdraw must be served on the district court by filing the application with the clerk of the district court and on the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2).

[Court Order October 31, 2008, effective January 1, 2009; November 18, 2016, effective March 1, 2017]

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Rule 6.110 Protected information; confidential materials and cases; briefs not confidential.

6.110(1) Protected information.

a. When a party files any document that contains protected information as defined in Iowa R. Civ. P. 1.422(1) or a reproduction, quotation, or extensive paraphrase of material that contains protected information, the party shall omit or redact that information from the document in the manner provided by rule 1.422(1).

b. When a party files any document that contains information that may be omitted or redacted under Iowa R. Civ. P. 1.422(2) or a reproduction, quotation, or extensive paraphrase of material that contains such information, the party may omit or redact that information from the document in the manner provided by rule 1.422(2).

c. The omission or redaction of protected information is not required if the document is certified as confidential under rule 6.110(2).

6.110(2) Certification by party of confidential and protected material or cases.

a. Confidential and protected material. When a party files any document, except a brief, that contains material or a reproduction, quotation, or extensive paraphrase of material that is declared confidential by any statute or court rule or to which access is restricted by court order, the party must certify the document's confidential nature by including a certificate of confidentiality as the first page of the document. The certificate must contain only the caption of the case; the certificate of confidentiality, which includes the applicable statute, rule, or court order; and the signature of the party or counsel. The certificate page must substantially comply with form 11 in rule 6.1401. When filing a document that contains a certificate of confidentiality, the filer must note that fact in the appropriate place on the electronic cover sheet. See Iowa R. Elec. P. ~~16.201(4)~~ 16.201(7).

b. Confidential and protected cases. When a party files any document, except a brief, in a case declared confidential by statute or court rule or to which access is restricted by court order, the party need not certify the document's confidential nature. Briefs filed in a confidential or restricted-access case must comply with the personal privacy protection provisions in division VI of the Iowa Rules of Electronic Procedure. *See* Iowa R. Elec. P. 16.601(1).

c. Separate appendices for confidential or protected materials. If a case is not confidential by statute or court rule, but requires the filing of documents that include confidential or protected material, a party must file separate appendices, one containing confidential and protected materials and one containing documents having no confidential or protected material. An appendix not certified confidential becomes public record.

6.110(3) Clerk to maintain confidentiality. Upon receipt by the clerk of the supreme court of a notice, motion, appendix, district court record, portion of district court record, or other document that has been certified by a party or the clerk of the district court as confidential, the clerk shall maintain its confidentiality. If the confidential designation is not warranted, the court shall direct the clerk to file the document as a public record. Confidential documents may be inspected only by persons authorized by statute, rule, or court order to inspect such documents.

6.110(4) Responsibility of filer. It is the responsibility of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential. For purposes of this rule, a pro se litigant is the filing party of a pro se document. It is not the responsibility of the clerk of court to review filings to determine whether appropriate redactions, omissions, or certifications have been made; to redact or remove confidential or protected information from court filings; or to certify or restrict access to confidential or protected information on its own initiative. Failure of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential may subject the filing party to sanctions by the court.

6.110(5) Briefs not confidential.

a. Briefs filed with the clerk of the supreme court shall not be confidential. A brief shall not contain a reproduction, quotation, or extensive paraphrase of material that is declared by any statute or rule of the supreme court to be confidential. Instead, a brief may include general statements of fact supported by references pursuant to rule 6.904(4) to pages of the appendix or parts of the record that are confidential.

b. The briefs in a case declared confidential by any statute or rule of the supreme court shall not be confidential and shall refer to the parties in the caption and text by first name or initials only. When a victim's name is deemed confidential by law, a brief shall refer to the victim by first name or initials only.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017]

Rules 6.111 to 6.200 Reserved.

DIVISION II

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

Rule 6.201 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.

6.201(1) Petition on appeal.

a. Trial counsel's obligation to prepare petition. The appellant's trial counsel shall prepare the petition on appeal. Trial counsel may be relieved of this obligation by the district court only upon a showing of extraordinary circumstances.

b. Time for filing a petition on appeal. A petition on appeal must be filed with the clerk of the supreme court within 15 days after the filing of the notice of appeal with the clerk of the district court or within 15 days after the filing of an order granting an interlocutory appeal. The time for filing a petition on appeal shall not be extended.

c. Length; form; cover. The petition on appeal shall not exceed 20 pages, excluding the attachments required by rule 6.201(1)(e), and shall be in the form prescribed by rule 6.1007, except that it may be printed or duplicated on one side of the page. The cover shall be blue and shall contain:

- (1) The caption of the case.
- (2) The title of the document (Petition on Appeal).
- (3) The name of the court and judge whose decision is under review.

(4) The name, address, telephone number, e-mail address, and fax number of counsel representing the appellant.

(5) A certificate of confidentiality in accordance with rule 6.110(2).

d. Contents of petition. The petition on appeal shall substantially comply with form 5 in rule 6.1401.

e. Attachments to petition.

(1) In an appeal from an order or judgment in a child-in-need-of-assistance proceeding, the appellant shall attach to the petition on appeal a copy of:

1. The order or judgment from which the appeal is taken.

2. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

(2) In an appeal from an order terminating parental rights or dismissing the termination petition, the appellant shall attach to the petition on appeal a copy of:

1. The petition for termination of parental rights and any amendments to the petition.

2. The order or judgment terminating parental rights or dismissing the termination petition.

3. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

(3) In an appeal from a post-termination order, the appellant shall attach to the petition on appeal a copy of:

1. The order or judgment terminating parental rights.

2. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

3. Any motion requesting post-termination relief.

4. Any resistance to the request for post-termination relief.

5. The post-termination order from which the appeal is taken.

6.201(2) *Joinder disallowed.* A party may not join in a petition on appeal that another party files separately.

6.201(3) *Consequence of failure to file a timely petition on appeal.* If the petition on appeal is not filed with the clerk of the supreme court within 15 days after the filing of a notice of appeal or within 15 days after the filing of an order granting an interlocutory appeal, the supreme court shall dismiss the appeal, and the clerk shall immediately issue procedendo.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November

18, 2016, effective March 1, 2017]

Rule 6.202 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.

6.202(1) *When required.* A response to the petition on appeal is optional unless the appellee has filed a notice of cross-appeal, in which case a response shall be required. An optional response shall substantially comply with form 6 in rule 6.1401. If the appellee has filed a notice of cross-appeal, the response by appellee shall address the claims of error alleged in the petition on appeal, separately state the grounds for the cross-appeal, and substantially comply with form 6 in rule 6.1401.

6.202(2) *Time for filing a response to a petition on appeal.* A response to a petition on appeal must be filed with the clerk of the supreme court within 15 days after the service of the petition.

6.202(3) *Length; form; cover.* An optional response to the petition on appeal shall not exceed 20 pages; a required response shall not exceed 20 pages. A response shall be in the form prescribed by rule 6.1007, except that it may be printed or duplicated on one side of the page. The cover ~~shall be red and~~ shall contain:

a. The caption of the case.

b. The title of the document (Response to Petition on Appeal).

c. The name of the court and judge whose decision is under review.

d. The name, address, telephone number, e-mail address, and fax number of counsel representing the appellee.

e. A certificate of confidentiality in accordance with rule 6.110(2).

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November

18, 2016, effective March 1, 2017]

Rule 6.203 Reply to issues raised in cross-appeal. If a notice of cross-appeal is filed, the appellant may file a reply to the cross-appeal issues within seven days after service of the appellee's response.

An appellant may not file a reply if the appellee has not filed a notice of cross-appeal.
[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.204 Filing fee and transmission of record. Within seven days after filing the notice of appeal, the appellant shall pay the filing fee as provided in rule ~~6.702(4)~~ **6.703(1)** or request waiver or deferral of the fee pursuant to rule ~~6.702(2)~~ **6.703(2)**. Within 30 days after the filing of the notice of appeal, the appellant shall request the clerk of the district court to transmit the record to the clerk of the supreme court. The clerk of the district court shall certify the record and its confidential nature.

6.204(1) Record on appeal in child-in-need-of-assistance appeals. In appeals from child-in-need-of-assistance proceedings, the record on appeal shall include the following:

- a. The child-in-need-of-assistance court file, including all exhibits.
- b. Any transcript of a hearing or hearings resulting in the order from which an appeal has been taken.

6.204(2) Record on appeal in termination-of-parental-rights appeals. In appeals from termination-of-parental-rights proceedings, the record on appeal shall include the following:

- a. The termination court file, including all exhibits.
- b. Those portions of the child-in-need-of-assistance court file either received as exhibits or judicially noticed in the termination proceedings.
- c. The transcript of the termination hearing.

6.204(3) Record on appeal of post-termination rulings in termination-of-parental-rights cases. In appeals from post-termination proceedings, the record on appeal shall include all of the following:

- a. The order or judgment terminating parental rights.
- b. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
- c. The post-termination order from which the appeal is taken.
- d. Any motion, resistance, or transcript relevant to the post-termination order from which the appeal is taken.

[Court Order October 31, 2008, effective January 1, 2009]

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DIVISION III
CERTIFIED QUESTIONS OF LAW

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Rule 6.302 Initiation of certification proceedings.

6.302(1) Certification order.

a. *Filing.* The certification order prepared by the certifying court shall be forwarded by the clerk of the certifying court under its official seal to the clerk of the supreme court, who shall file the order and assign a number to the matter. The clerk of the supreme court shall notify the certifying court that the certification order has been received.

b. *Contents.* The certification order shall contain all of the following:

- (1) The information required by Iowa Code section 684A.3.
- (2) The names and addresses of the interested parties or their counsel, if they are represented by counsel.
- (3) The party requesting submission of a certified question.
- (4) A designation of the party to file the first brief, if the question is certified on the court's own motion.

c. *Service on attorney general.* When the constitutionality of an act of the Iowa legislature is drawn into question in a certification proceeding to which the State of Iowa or an officer, agency, or employee thereof is not a party, the certifying court shall serve the certification order on the attorney general.

6.302(2) Record. The certifying court shall attach to its certification order a copy of the portions of its record deemed necessary for a full understanding of the question. If the entire record is not included, the supreme court may order that a copy of any portion of the remaining record be filed with the clerk of the supreme court.

6.302(3) Parties. The party requesting certification or, if none, the party who is to file the first brief shall be considered the appellant and shall make all filings required of the appellant under these rules.

6.302(4) Filing fee. The appellant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in rule ~~6.702(1)(f) and 6.702(2)~~ **6.703(1) and 6.703(2)(b).**

[Court Order October 31, 2008, effective January 1, 2009]

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DIVISION IX BRIEFS AND APPENDIX

Rule 6.901 Filing and service of briefs and amendments.

6.901(1) Time for filing proof briefs. Except for cases expedited under rule 6.902, the following filing deadlines shall apply:

a. Appellant's proof brief. The appellant shall file a proof copy of the appellant's brief within 50 days after the date the clerk gives the notice of the briefing deadline required under rule 6.803(6) that the last transcript ordered for the appeal has been filed. If no transcript is ordered or if the transcript is unavailable, the appellant shall file a proof copy of the appellant's brief within 50 days after the clerk gives notice of the briefing deadline.

b. Appellee's proof brief. Within 30 days after service of the appellant's proof brief, the appellee shall file either a proof copy of the appellee's brief, a written statement under rule 6.903(3) waiving the brief, or a combined appellee's/cross-appellant's brief pursuant to rule 6.903(5).

c. Reply briefs. If a cross-appeal has not been filed, the appellant may file a proof copy of a reply brief within 21 days after service of the appellee's proof brief. If a cross-appeal has been filed, the appellant/cross-appellee shall respond within 21 days after service of the appellee/cross-appellant's proof brief by filing either a proof copy of a reply brief or a statement waiving any further proof brief. If the appellant/cross-appellee files a reply brief, the appellee/cross-appellant may file a reply brief in final form under rule 6.903(5) within 14 days after service of the appellant's/cross-appellee's reply brief.

d. Counsel's duty to serve brief on defendant, applicant, or respondent. In addition to the service requirements of rule 6.702, appellate counsel for a criminal defendant, a postconviction applicant, or a respondent committed under Iowa Code chapter 229A must serve a copy of counsel's proof brief and designation of parts upon the defendant, applicant, or respondent. Counsel must indicate such service in the certificate of service on the proof brief and on the designation of parts. The certificate of service must include the address at which the defendant, applicant, or respondent was served.

6.901(2) Pro se supplemental briefs.

a. Filing of supplemental brief. Any criminal defendant, applicant for postconviction relief, or respondent committed under Iowa Code chapter 229A may submit a pro se supplemental brief or designation of appendix to the clerk of the supreme court within 15 days after service of the proof brief filed by their counsel. Any pro se supplemental brief or designation submitted beyond this period by a properly served defendant, applicant, or respondent will not be considered by the court and no response by the State will be allowed. The pro se supplemental brief cannot exceed more than one-half of the length limitations for a required brief specified in rule ~~6.903(1)(f)~~ **6.903(1)(g)** unless otherwise ordered by the court for good cause shown. A pro se supplemental brief may be filed by the pro se filer or by the pro se filer's counsel.

b. Pro se as appellant. If the defendant, applicant, or respondent is the appellant, the State's proof brief must be filed within 30 days after service of the pro se supplemental brief, and the State must serve a copy of its proof brief upon the appellant. Within the time provided for the appellant's counsel to file a reply brief, the appellant may also file a pro se supplemental reply brief. The pro se supplemental reply brief cannot exceed more than one-half of the length limitations for a reply brief specified in rule ~~6.903(1)(f)~~ **6.903(1)(g)** unless otherwise ordered by the court for good cause shown. Counsel for the appellant shall be responsible for including any additional designated parts of the record in the appendix.

c. State as appellant. If the State is the appellant, the State must serve and file the appendix and a reply brief, if any, within 21 days after service of the pro se supplemental brief, and the State shall be responsible for including any additional designated parts in the appendix.

d. Counsel's duty to ensure filing and service of supplemental briefs. Counsel for the defendant, applicant, or respondent must ensure that pro se supplemental briefs have been electronically filed and ensure that service has been accomplished pursuant to rule 6.702.

6.901(3) Time for filing briefs in final form. Within 14 days after service of the appendix pursuant

to rule 6.905(11), each party must file the party's brief or briefs in the final form prescribed by rule 6.903 and 6.904(4)(b).

6.901(4) Other supplemental briefs. If the appellate court concludes supplemental briefs from the parties will assist the court in deciding any issue in the case, it shall file an order prescribing the issue or issues to be addressed, the length of such brief, and the schedule for filing them.

6.901(5) Multiple adverse parties. If the time for doing any act prescribed by these rules is measured from the date of service of a document by an adverse party, then in the case of multiple adverse parties the time for doing such act shall be measured from the date of service of the last timely served document by an adverse party or the date of expiration of time for such service.

6.901(6) Amendments. An appellant may amend a required brief once within 15 days after serving the brief, provided no brief has been served in response to it. The time for serving and filing of the appellee's brief shall be measured from the date of service of the amendment to the appellant's brief. An appellee's brief may be amended once within 10 days after service, provided no brief has been served in reply to it. The time for serving and filing the appellant's reply brief shall be measured from the date of service of the amendment to the appellee's brief. A reply brief may be amended once within seven days after it is served. Any other amendments to the briefs may be made only with leave of the appropriate appellate court. An amendment may be conditionally filed with a motion for leave.

6.901(7) Deadlines shortened by order. The supreme court may shorten the periods for serving and filing proof and final briefs.

[Court Order October 31, 2008, effective January 1, 2009; March 9, 2009; November 18, 2016, effective March 1, 2017]

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Rule 6.906 Brief of amicus curiae.

6.906(1) Appeal. An amicus curiae brief may be filed only by leave of the appropriate appellate court granted on motion, at the request of the appropriate appellate court, or when accompanied by the written consent of all parties. The brief may be conditionally filed with a motion for leave. A motion for leave must identify the interest of the applicant and must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case. An amicus curiae must file a brief no later than seven days after the brief of the party to be supported is filed. The appropriate appellate court may extend the deadline for the brief only upon an affirmative showing of good cause, specifying the period within which an opposing party may respond. An amicus curiae's request to participate in oral argument will not be granted except for extraordinary reasons.

6.906(2) Further review. Amicus curiae briefs may not be filed in support of, or in resistance to, an application for further review of a decision of the court of appeals. If the supreme court grants further review, an amicus curiae brief may be filed upon leave of the supreme court granted on motion, at the request of the supreme court, or when accompanied by the written consent of all parties. A motion for leave to file an amicus curiae brief must be filed within 14 days of the supreme court's order granting further review, and no response to the motion shall be received unless requested by the court. The motion must identify the interest of the applicant, must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case, and must be accompanied by the amicus curiae brief. If the motion for leave to file an amicus curiae brief is granted, the parties may file a response to the amicus curiae brief within 15 days of the court's order granting the motion.

6.906(3) Rehearing. Amicus curiae briefs may not be filed in support of, or in resistance to, a petition for rehearing of an opinion of the court of appeals or the supreme court.

6.906(4) Form of amicus curiae brief. An amicus curiae brief may not exceed more than one-half of the length limitations for a required brief specified in rule ~~6.903(1)(f)~~ 6.903(1)(g). An amicus curiae brief must comply with the format requirements of rule 6.903(1). An amicus curiae brief need not comply with rule 6.903(2) or (3) but must include all of the following:

- a. A table of contents with page references.
- b. A table of authorities containing cases (alphabetically arranged), statutes, and other authorities cited, with references to all pages of the brief where they are cited.
- c. A concise statement of the identity of the amicus curiae and its interest in the case.
- d. A statement that indicates whether a party's counsel authored the brief in whole or in part, indicates whether a party or party's counsel contributed money to fund the preparation or submission of the brief, and identifies any other person who contributed money to fund the preparation or submission of the brief.
- e. An argument.
- f. A certificate of compliance, if required by rule ~~6.903(1)(f)(4)~~ 6.903(1)(g)(4).

6.906(5) Criteria for allowing amicus curiae brief. An appellate court has broad discretion in determining whether an amicus curiae brief should be allowed. The court will base its decision on whether the brief will assist the court in resolving the issues preserved for appellate review in the case.

In reaching its decision, the court will consider various factors, including those set forth below.

a. The court will ordinarily grant a motion for leave to file an amicus curiae brief if one of the following factors is present.

(1) The party whose position the proposed amicus brief supports is unrepresented or has not received adequate representation.

(2) The proposed amicus curiae has a direct interest in another case that may be materially affected by the outcome of the present case.

(3) The proposed amicus curiae has a unique perspective or information that will assist the court in assessing the ramifications of any decision rendered in the present case.

b. The court will ordinarily deny a motion for leave to file an amicus curiae brief if one of the following factors is present.

(1) The proposed amicus curiae brief will merely reiterate the arguments of the party whose position the brief supports.

(2) The proposed amicus curiae brief appears to be an attempt to expand the number of briefing pages available to the party whose position the brief supports.

(3) The proposed amicus curiae brief attempts to raise issues that were not preserved for appellate review.

(4) The proposed amicus curiae brief will place an undue burden on the opposing party.

c. The court may also strike an amicus curiae brief filed with the consent of all parties if it appears the brief would not be allowed under the above criteria.

[Court Order October 31, 2008, effective January 1, 2009; November 19, 2016, effective March 1, 2017]

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DIVISION XI

TRANSFER, SUBMISSION, AND FURTHER REVIEW

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Rule 6.1103 Application to the supreme court for further review.

6.1103(1) Application.

a. Time for filing. An application for further review in an appeal from an Iowa Code chapter 232 child-in-need-of-assistance or termination-of-parental-rights proceeding shall be filed within 10 days following the filing of the court of appeals decision. In all other cases, an application for further review shall be filed within 20 days following the filing of the court of appeals decision.

b. Grounds. Further review by the supreme court is not a matter of right, but of judicial discretion. An application for further review will not be granted in normal circumstances. The following, although neither controlling nor fully measuring the supreme court's discretion, indicate the character of the reasons the court considers:

(1) The court of appeals has entered a decision in conflict with a decision of this court or the court of appeals on an important matter;

(2) The court of appeals has decided a substantial question of constitutional law or an important question of law that has not been, but should be, settled by the supreme court;

(3) The court of appeals has decided a case where there is an important question of changing legal principles;

(4) The case presents an issue of broad public importance that the supreme court should ultimately determine.

c. Form. An application for further review must be a single document in the form prescribed by rule 6.903(1). An application for further review must contain all of the following under appropriate headings in the following order:

(1) *Questions presented for review.* The application shall contain questions presented for review, expressed concisely in relation to the circumstances of the case, without unnecessary detail. The questions should be short and should not be argumentative or repetitive. The questions shall be set out on the first page following the cover, and no other information may appear on that page.

(2) *Table of contents.* The application shall contain a table of contents including page references. (3)

Statement supporting further review. The application must contain a direct and concise statement of the reasons why the case warrants further review. The statement must not be limited to a recitation of rule 6.1103(1)(b). For example, if the claim is that the court of appeals decision is

inconflict with a decision of the supreme court or the court of appeals on an important matter, the party must cite to the case in conflict.

(4) *Brief.* The application shall contain a brief in support of the request for review including all contentions and legal authorities in support of the application. No authorities or argument may be incorporated into the application by reference to another document; however, citations to the appendix are permitted.

(5) *Decision of the court of appeals.* The application shall contain or be accompanied by a copy of the court of appeals decision, showing the date of its filing.

(6) *Other attachments.* The only materials that may be attached to or filed with an application, other than the court of appeals decision, are relevant materials from the district court record not exceeding ten pages, district court orders, and administrative agency rulings. The district court order must be attached if the court of appeals affirmed the decision of the district court under rule 6.1203, Iowa Ct. R. 21.26, or Iowa Code section 602.5106(1).

d. Discretion of supreme court on further review. On further review, the supreme court may review any or all of the issues raised in the original appeal or limit its review to just those issues brought to the court's attention by the application for further review.

e. Filing fee. The applicant shall pay to the clerk of the supreme court a filing fee or file a motion to waive or defer the fee as provided in ~~rule 6.702(1)(g)~~ rules 6.703(1)(g) and 6.703(2).

6.1103(2) Resistance.

a. When allowed; time for filing. No resistance will be received in an Iowa Code chapter 232 child-in-need-of-assistance or termination-of-parental-rights proceeding unless requested by the supreme court. In all other cases, a party may file a resistance within 10 days after service of the application.

b. Form. A resistance shall be in the form prescribed by rule 6.903(1). The resistance shall be a single document including all contentions and legal authorities in opposition to the application. No authorities or argument may be incorporated into the resistance by reference to another document; however, citations to the appendix are permitted. The only materials that may be attached to or filed with a resistance are an evidentiary exhibit not exceeding 10 pages and a district court order.

6.1103(3) Cover of application or resistance. The cover of the application or resistance must contain:

- a.* The name of the court and the appellate number of the case.
- b.* The caption of the case. See rule 6.109(2).
- c.* The date of filing of the court of appeals decision.
- d.* The title of the document.
- e.* The name, address, telephone number, e-mail address, and fax number of counsel or the self-represented party.

6.1103(4) Length of application or resistance.

a. The application or resistance may not exceed two-fifths of the length limitations for a required brief specified in rule ~~6.903(1)(f)~~ 6.903(1)(g) exclusive of the court of appeals decision, table of contents, table of authorities, relevant materials from the district court record, district court orders, and administrative agency decisions.

b. An application for further review or resistance must include a certificate of compliance using form 10 of rule 6.1401.

6.1103(5) Supplemental briefs. If an application for further review is granted, the supreme court may require the parties to file supplemental briefs on all or some of the issues to be reviewed.

6.1103(6) Procedendo. When an application for further review is denied by order of the supreme court, the clerk of the supreme court shall immediately issue procedendo.

[Court Order October 31, 2008, effective January 1, 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective March 1, 2017; February 23, 2017, effective March 1, 2017]

Rules 6.1104 to 6.1200 Reserved.

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**DIVISION XIV
FORMS**

Rule 6.1401 Forms.

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Rule 6.1401- Form 9: *Reporter's Application for an Extension of Time to File a Transcript.*

IN THE SUPREME COURT OF IOWA

(Insert supreme court caption.)

Supreme Court No. _____

**REPORTER'S APPLICATION FOR AN EXTENSION
OF TIME TO FILE A TRANSCRIPT**

(See Iowa R. App. P. 6.803(3)(e))

1. I hereby certify that on the _____ day of _____, 20____,
-----*(name of attorney or party)* ordered the following transcript(s)

in the above captioned matter by serving a combined certificate.

2. The deadline for filing the transcript(s) with the clerk of the supreme court is the ----- day of _____, 20____

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

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

4. I will be able to complete and file the transcript by the _____ day of _____, 20____

WHEREFORE, the undersigned requests the court to grant the undersigned more time to file the transcript(s) in the above captioned matter.

or

WHEREFORE, the undersigned requests the court to enter an order requiring the person who ordered the transcript(s) to pay for the transcript(s) as previously arranged under rule 6.803(5) and set a date as to when the transcript(s) shall be filed.

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

CERTIFICATE OF SERVICE

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

(signature of person making service)

NOTE: RULE 6.803(3) REQUIRES THAT THIS APPLICATION BE SERVED ON ALL COUNSEL OF RECORD, ANY UNREPRESENTED PARTIES, AND THE CHIEF JUDGE OF THE JUDICIAL DISTRICT.

[Court Order October 31, 2008, effective January 1, 2009]

.....

[Add new form]

Rule 6.1401—Form 11: *Certificate of Confidentiality*

IN THE SUPREME COURT OF IOWA

[Insert supreme court caption]

Supreme Court No. _____

RE: [insert name of document being filed]

CERTIFICATE OF CONFIDENTIALITY

Iowa R. App. P. 6.110(2)

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

Date: _____

/s/ _____

Signature of attorney or filing party

Printed name of attorney or filing party

Address of attorney or filing party

Email address of attorney or filing party

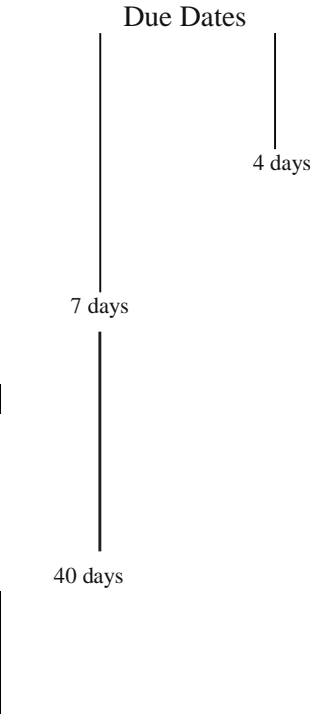
DIVISION XV
APPELLATE PROCEDURE TIMETABLES

Rule 6.1501 Appellate Procedure Timetables
Rule 6.1501-Timetable 1: Pre-Briefing Procedure.

APPELLATE PROCEDURE TIMETABLE NO. 1

(NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)

PRE-BRIEFING PROCEDURE¹



1. Notice of appeal. The appellant files the notice of appeal with the district court clerk and serves a copy on all parties and the supreme court clerk. See rules 6.101, 6.102(2).
2. Transmission of certified notice of appeal and docket entries. Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. See rule 6.802.
3. Payment of filing fee, ordering transcript, and filing combined certificate. Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. See rule ~~6.702~~ 6.703. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter by completing the combined certificate, and serving the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme courts. See rules 6.803, 6.804.2
4. Filing of transcript. Within 40 days from service of the combined certificate the court reporter files the ~~original~~ transcript with the ~~supreme district~~ court clerk and serves a copy of the reporter's certificate of filing the transcript on the parties and the clerk of the ~~district supreme court~~.³ See rule 6.803(3).

NOTES

¹ The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² See rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ The time for filing the transcript is reduced to:

20 days for criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.

30 days for appeals from Iowa Code chapter 232 child-in-need-of-assistance and termination proceedings.

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1501 Appellate Procedure Timetables**Rule 6.1501-Timetable 2: Briefing Procedure.****APPELLATE PROCEDURE TIMETABLE NO. 2**

(NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)

BRIEFING PROCEDURE¹**Due Dates**

- | | |
|---------|--|
| 50 days | 1. Filing of last transcript. Briefing deadlines run from the filing of the last transcript ordered for the appeal. ² The times for filing are reduced for expedited cases. ³ See rule 6.902. |
| 30 days | 2. Appellant's proof brief and designation. Within 50 days after the clerk gives notice that the last transcript has been filed the appellant files two copies a copy of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. See rules 6.901(1), 6.905(1). |
| 21 days | 3. Appellee's proof brief and designation. Within 30 days after service of the appellant's proof brief the appellee files two copies a copy of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. See rules 6.901(1), 6.905(1). |
| 14 days | 4. Appendix and appellant's proof reply brief. Within 21 days after service or expiration of the time for service of the appellee's proof brief the appellant files 18 copies a copy of the appendix with the supreme court clerk and serves a copy on the other parties. See rule 6.905(11). If a cross-appeal has not been filed the appellant may file a proof reply brief within 21 days of service of the appellee's proof brief. If a cross-appeal has been filed the appellant/cross-appellee shall respond within 21 days of service of the appellee/cross-appellant's proof brief by either filing a proof reply brief or a statement waiving any further brief. See rule 6.901(1)(c). |
| 7 days | 5. Final briefs and appellee/cross-appellant's reply brief. Within 14 days after service of the appendix each party serves and files the party's brief(s) in final form. See rule 6.901(3). If a cross-appeal was filed the appellee/cross-appellant may file a reply brief in final form within 14 days of service of the appellant/cross-appellee's reply brief. See rule 6.901(1)(c). |
| | 6. Transmission of record. No later than seven days after all briefs in final form have been served or the time for serving them has expired, the appellant shall request transmission of the remaining record from the clerk of the district court. See rule 6.802(2). ⁴ |

NOTES

¹The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

²If no transcript was ordered the deadlines run from service of the combined certificate or after the date of filing of any approved statement of the evidence. See rule 6.901(1).

³Expedited cases include:

- Child custody.
- Adoption.
- Termination-of-parental-rights cases under Iowa Code chapter 600A.
- Child-in-need-of-assistance or termination-of-parental-rights cases under Iowa Code chapter 232.
- Criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.
- Juvenile proceedings effecting child placement.
- Lawyer disciplinary matters.
- Involuntary mental health commitments under Iowa Code chapter 229.
- Involuntary substance abuse commitments under Iowa Code chapter 125.
- Certified questions under Iowa Code chapter 684A

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

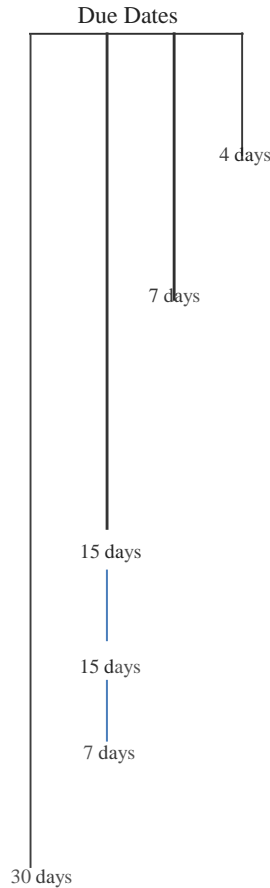
⁴An appellant should request the transmission of the remaining record by ~~sending electronically filing~~ a letter to the district court clerk ~~with a~~ and electronically filing a courtesy copy to the supreme court..

[Court Order October 31, 2008, effective January 1, 2009]

Rule 6.1501 Appellate Procedure Timetables

Rule 6.1501-Timetable 3: Chapter 232 Child-in-Need-of-Assistance and Termination Appeals.

APPELLATE PROCEDURE TIMETABLE NO. 3 ¹



1. **Notice of appeal.** A notice of appeal must be filed within 15 days of the filing of the juvenile court order. See rule 6.101(1). A notice of appeal cannot be filed unless signed by both the appellant and the appellant's counsel. See rule 6.102(1).

2. **Transmission of certified notice of appeal and docket entries.** Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. See rule 6.802.

3. **Payment of filing fee, ordering transcript, and filing combined certificate.** Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. See rules 6.204, 6.702, 6.703. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter by completing the combined certificate, and serving the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme courts. See rules 6.803, 6.804.2

4. **Petition on appeal.** The appellant files a petition on appeal within 15 days after the filing of the notice of appeal or the appeal is dismissed. See rules 6.102(1)(b), 6.201.

5. **Response to petition.** A response to a petition may be filed within 15 days of service of the petition. See rule 6.202.

6. **Reply to issues raised in cross-appeal.** If a cross-appeal is filed the appellant/cross-appellee may file a reply to the cross-appeal issues within seven days after service of the appellee/cross-appellant's response. An appellant may not file a reply if the appellee has not filed a cross-appeal. See rule 6.203.

7. **Transmission of record.** Within 30 days after the filing of the notice of appeal the appellant requests that the clerk of the district court transmit the record to the clerk of the supreme court.³ See rule 6.204.

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

NOTES

¹The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² See rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ An appellant should request the transmission of the remaining record by ~~sending electronically filing~~ a letter to the district court clerk ~~with and electronically filing~~ a copy to the supreme court.

[Court Order October 31, 2008, effective January 1, 2009]

Rules 6.1502 to 6.1600 Reserved.

DIVISION XVI
TABLES

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Rule 6.1601 Tables**Rule 6.1601-Table A: Technical Requirements of a Brief**

Document	Number of Copies to be Filed	Cover Color	Time to File Proof Copy	Time to File Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	2 proof briefs 18 final briefs	Blue	50 days after the clerk serves notice that the transcript has been filed; if no transcript, 50 days after service of the combined certificate or the filing of any approved statement of the evidence	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellee's Brief & Appellee/Cross-Appellant's Brief	2 proof briefs 18 final briefs	Red	30 days after service of appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellant's Reply Brief	2 proof briefs 18 final briefs	Gray	21 days after service of appellee's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	25 Pages	650 lines	7000 words
Appellant's Reply/Cross-Appellee's Brief	2 proof briefs 18 final briefs	Gray	21 days after service of appellee/cross-appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross-Appellant's Reply Brief	18 final briefs	Gray	Not applicable	14 days after service of appellant's reply/cross-appellee's proof reply brief	1 copy	25 pages	650 lines	7000 words
Amicus Curiae Brief	18 final briefs	Green	Within the time allowed the party whose position the brief will support	14 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appendix	18 copies	White	Not applicable	21 days after service of appellee's proof brief	1 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	18 copies		Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	18 copies	Yellow	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Application for Further Review	18 copies	Orange	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	18 copies		Not applicable	14 days after supreme court decision	1 copy	10 pages	260 lines	2800 words

* Filing a petition for rehearing in the court of appeals does not stay the time for filing an application for further review.

[Court Order October 31, 2008, effective January 1, 2009]

[Delete 2nd and 3rd columns]**Rule 6.1601-Table B: Technical Requirements of a Brief When Expedited Times for Filing Apply**

Document	Number of Copies to be Filed	Cover Color	Time to File Proof Copy	Time to File Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	2 proof briefs 18 final briefs	Blue	25 days after the clerk gives notice that the last transcript has been filed; if no transcript, 25 days after service of the combined certificate or the filing of any approved statement of the evidence	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee's Brief & Appellee/Cross-Appellant's Brief	2 proof briefs 18 final briefs	Red	15 days after service of appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellant's Reply Brief	2 proof briefs 18 final briefs	Gray	15 days after service of appellee's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appellant's Reply/Cross-Appellee's Brief	2 proof briefs 18 final briefs	Gray	15 days after service of appellee/cross-appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross-Appellant's Reply Brief	18 final briefs	Gray	Not applicable	7 days after service of appellant's reply/cross-appellee's proof reply brief	1 copy	25 pages	650 lines	7000 words
Amicus Curiae Brief	18 final briefs	Green	Within the time allowed the party whose position the brief will support	7 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7000 words
Appendix	18 copies	White	Not applicable	15 days after service of appellee's proof brief	1 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	18 copies		Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	18 copies	Yellow	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Application for Further Review	18 copies	Orange	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	18 copies		Not applicable	14 days after supreme court opinion	1 copy	10 pages	260 lines	2800 words

* Filing a petition for rehearing in the court of appeals does not stay the time to file an application for further review.

[Court Order October 31, 2008, effective January 1, 2009]