

CHAPTER 3
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

The state public defender adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the general assembly's website.

493—3.1(17A) Petition for declaratory order. In lieu of the words “(designate agency)”, insert “state public defender”. In lieu of the words “(designate office)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE STATE PUBLIC DEFENDER

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.2(17A) Notice of petition. In lieu of the words “ ___ days (15 or less)”, insert “15 days”. In lieu of the words “(designate agency)”, insert “state public defender”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.3(17A) Intervention.

3.3(1) In lieu of the words “within ___ days”, insert “within 15 days”. Strike the words “(after time for notice under X.2(17A))”. In lieu of the number “X.8(17A))”, insert “rule 493—3.8(17A))”.

3.3(2) In lieu of the words “(designate agency)”, insert “state public defender”.

3.3(3) In lieu of the words “(designate office)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(designate agency)”, insert “state public defender”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE STATE PUBLIC DEFENDER

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.4(17A) Briefs. In lieu of the words “(designate agency)”, insert “state public defender”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.5(17A) Inquiries. In lieu of the words “(designate official by full title and address)”, insert “the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.6(17A) Service and filing of petitions and other papers.

3.6(2) In lieu of the words “(specify office and address)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(agency name)”, insert “state public defender”.

3.6(3) In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 481—10.12(17A))”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.7(17A) Consideration. In lieu of the words “(designate agency)”, insert “state public defender”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.8(17A) Action on petition.

3.8(1) In lieu of the words “(designate agency head)”, insert “state public defender”.

3.8(2) In lieu of the words “(contested case uniform rule X.2(17A))”, insert “rule 481—10.1(10A))”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.9(17A) Refusal to issue order.

3.9(1) In lieu of the words “(designate agency)”, insert “state public defender”.
[ARC 9502C, IAB 8/20/25, effective 9/24/25]

493—3.12(17A) Effect of a declaratory order. In lieu of the words “(designate agency)”, insert “state public defender”.

[ARC 9502C, IAB 8/20/25, effective 9/24/25]

These rules are intended to implement Iowa Code chapter 17A.

[Filed emergency 10/7/92 after Notice 8/19/92—published 10/28/92, effective 10/7/92]

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[Filed ARC 6800C (Notice ARC 6671C, IAB 11/16/22), IAB 1/11/23, effective 2/15/23]

[Editorial change: IAC Supplement 8/21/24]

[Filed ARC 9502C (Notice ARC 9361C, IAB 6/25/25), IAB 8/20/25, effective 9/24/25]