

Millage, Chair  
Larson  
Chapman

HSB 101

JUDICIARY

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED JUDICIAL BRANCH BILL)

Succeeded by  
CF/HF

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to judges, concerning associate juvenile judges,  
2 associate probate judges, and retired judges.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 46.16, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. Subject to removal for cause, the  
4 initial term of office of a full-time associate juvenile judge  
5 or a full-time associate probate judge shall be for one year  
6 after appointment and until January 1 following the next  
7 judicial election after expiration of such year, and the  
8 regular term of office of a full-time associate juvenile judge  
9 or a full-time associate probate judge retained at a judicial  
10 election shall be four years from the expiration of the  
11 initial or previous regular term, as the case may be.

12 Sec. 2. Section 46.20, Code 1999, is amended to read as  
13 follows:

14 46.20 DECLARATION OF CANDIDACY.

15 At least one hundred four days before the judicial election  
16 preceding expiration of the initial or regular term of office,  
17 a judge of the supreme court, court of appeals, or district  
18 court including district associate judges, full-time associate  
19 juvenile judges, or full-time associate probate judges, or a  
20 clerk of the district court who is required to stand for  
21 retention under section 602.1216 may file a declaration of  
22 candidacy with the state commissioner of elections to stand  
23 for retention or rejection at that election. If a judge or  
24 clerk fails to file the declaration, the office shall be  
25 vacant at the end of the term. District associate judges,  
26 full-time associate juvenile judges, and full-time associate  
27 probate judges filing the declaration shall stand for  
28 retention in the judicial election district of their  
29 residence.

30 Sec. 3. Section 46.21, Code 1999, is amended to read as  
31 follows:

32 46.21 CONDUCT OF ELECTIONS.

33 At least sixty-nine days before each judicial election, the  
34 state commissioner of elections shall certify to the county  
35 commissioner of elections of each county a list of the judges

101

1 of the supreme court, court of appeals, and district court  
 2 including district associate judges, full-time associate  
 3 juvenile judges, and full-time associate probate judges, and  
 4 clerks of the district court to be voted on in each county at  
 5 that election. The county commissioner of elections shall  
 6 place the names upon the ballot in the order in which they  
 7 appear in the certificate, unless only one county is voting  
 8 thereon. The state commissioner of elections shall rotate the  
 9 names in the certificate by county, or the county commissioner  
 10 of elections shall rotate them upon the ballot by precinct if  
 11 only one county is voting thereon. The names of all judges  
 12 and clerks to be voted on shall be placed upon one ballot,  
 13 which shall be in substantially the following form:

14 STATE OF IOWA  
 15 JUDICIAL BALLOT  
 16 (Date)

17 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX  
 18 AFTER EACH NAME.

19 SUPREME COURT  
 20 Shall the following judges of the Supreme Court be retained  
 21 in office?

22 CANDIDATE'S NAME YES NO  
 23 CANDIDATE'S NAME YES NO

24 COURT OF APPEALS  
 25 Shall the following judges of the Court of Appeals be  
 26 retained in office?

27 CANDIDATE'S NAME YES NO  
 28 CANDIDATE'S NAME YES NO

29 DISTRICT COURT  
 30 Shall the following judge, or associate judge, associate  
 31 juvenile judge, or associate probate judge of the District  
 32 Court be retained in office?

33 CANDIDATE'S NAME YES NO

34 Shall the following clerk of the District Court be retained  
 35 in office?

1 CANDIDATE'S NAME YES NO

2 Sec. 4. Section 46.24, unnumbered paragraph 1, Code 1999,  
3 is amended to read as follows:

4 A judge of the supreme court, court of appeals, or district  
5 court including a district associate judge, full-time  
6 associate juvenile judge, or full-time associate probate  
7 judge, or a clerk of the district court must receive more  
8 affirmative than negative votes to be retained in office.  
9 When the poll is closed, the election judges shall publicly  
10 canvass the vote forthwith. The board of supervisors shall  
11 canvass the returns on the Monday or Tuesday after the  
12 election, and shall promptly certify the number of affirmative  
13 and negative votes on each judge or clerk to the state  
14 commissioner of elections.

15 Sec. 5. Section 509A.13A, subsection 1, paragraph b,  
16 subparagraph (3), Code 1999, is amended to read as follows:

17 (3) The eligible retired state employee has received  
18 retirement benefits under the retirement system established in  
19 chapter 602, article 9, ~~based upon either of the following:~~

20 ~~{a}--Meeting the requirements for receiving an annuity~~  
21 ~~which equals fifty percent of the basic annual salary which~~  
22 ~~the judge was receiving at the time that the judge became~~  
23 ~~separated from service, if the judge did not participate in~~  
24 ~~the senior judge program.~~

25 ~~{b}--Meeting the requirements for receiving an annuity~~  
26 ~~which equals or exceeds fifty percent of the basic annual~~  
27 ~~salary which the judge was receiving at the time that the~~  
28 ~~judge separated from service prior to serving as a senior~~  
29 ~~judge.~~

30 Sec. 6. Section 602.1501, Code 1999, is amended by adding  
31 the following new subsection:

32 NEW SUBSECTION. 4A. Full-time associate juvenile judges  
33 and full-time associate probate judges shall receive the  
34 salary set by the general assembly.

35 Sec. 7. Section 602.6104, subsection 1, Code 1999, is

1 amended to read as follows:

2 1. The jurisdiction of the Iowa district court shall be  
3 exercised by district judges, district associate judges,  
4 associate juvenile judges, associate probate judges, and  
5 magistrates.

6 Sec. 8. Section 602.7103, Code 1999, is amended to read as  
7 follows:

8 602.7103 ASSOCIATE JUVENILE JUDGE -- PROCEDURE  
9 JURISDICTION -- APPEALS.

10 ~~1. The chief judge may appoint and may remove for cause  
11 with due process an associate juvenile judge. The associate  
12 juvenile judge shall be an attorney admitted to practice law  
13 in this state, and shall be qualified for duties by training  
14 and experience.~~

15 2. 1. The An associate juvenile judge shall have the same  
16 jurisdiction to conduct juvenile court proceedings, to issue  
17 warrants, nontestimonial identification orders, and contempt  
18 arrest warrants for adults in juvenile court proceedings, and  
19 to issue orders, findings, and decisions as the judge of the  
20 juvenile court. However, the appointing judge may limit the  
21 exercise of juvenile court jurisdiction by the associate  
22 juvenile judge.

23 3. 2. The parties to a proceeding heard by an associate  
24 juvenile judge are entitled to appeal the order, finding, or  
25 decision of an associate juvenile judge, in the manner of an  
26 appeal from orders, findings, or decisions of district court  
27 judges. An appeal does not automatically stay the order,  
28 finding, or decision of an associate juvenile judge.

29 Sec. 9. NEW SECTION. 602.7103A PART-TIME ASSOCIATE  
30 JUVENILE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

31 The chief judge may appoint and may remove for cause with  
32 due process a part-time associate juvenile judge. The part-  
33 time associate juvenile judge shall be an attorney admitted to  
34 practice law in this state, and shall be qualified for duties  
35 by training and experience.

1     Sec. 10.   NEW SECTION.   602.7103B   APPOINTMENT AND  
2   RESIGNATION OF FULL-TIME ASSOCIATE JUVENILE JUDGES.

3     1.   Full-time associate juvenile judges shall be appointed  
4   by the district judges of the judicial election district from  
5   persons nominated by the county magistrate appointing  
6   commission.  In the case of a full-time associate juvenile  
7   judge to be appointed to more than one county, the appointment  
8   shall be from persons nominated by the county magistrate  
9   appointing commissions acting jointly and in the case of a  
10  full-time associate juvenile judge to be appointed to more  
11  than one judicial election district of the same judicial  
12  district, the appointment shall be by a majority of the  
13  district judges in each judicial election district.

14    2.   In November of any year in which an impending vacancy  
15  is created because a full-time associate juvenile judge is not  
16  retained in office pursuant to a judicial election, the county  
17  magistrate appointing commission shall publicize notice of the  
18  vacancy in at least two publications in the official county  
19  newspaper.  The commission shall accept applications for  
20  consideration for nomination as full-time associate juvenile  
21  judge for a minimum of fifteen days prior to certifying  
22  nominations.  The commission shall consider the applications  
23  and shall, by majority vote, certify to the chief judge of the  
24  judicial district not later than December 15 of that year the  
25  names of three applicants who are nominated by the commission  
26  for the vacancy.  If there are three or fewer applicants, the  
27  commission shall certify all applicants who meet the statutory  
28  qualifications.  Nominees shall be chosen solely on the basis  
29  of the qualifications of the applicants, and political  
30  affiliation shall not be considered.

31    3.   Within thirty days after a county magistrate appointing  
32  commission receives notification of an actual or impending  
33  vacancy in the office of full-time associate juvenile judge,  
34  other than a vacancy referred to in subsection 2, the  
35  commission shall certify to the chief judge of the judicial

1 district the names of three applicants who are nominated by  
2 the commission for the vacancy. The commission shall  
3 publicize notice of the vacancy in at least two publications  
4 in the official county newspaper. The commission shall accept  
5 applications for consideration for nomination as full-time  
6 associate juvenile judge for a minimum of fifteen days prior  
7 to certifying nominations. The commission shall consider the  
8 applications and shall, by majority vote, certify to the chief  
9 judge of the judicial district the names of three applicants  
10 who are nominated by the commission for the vacancy. If there  
11 are three or fewer applicants, the commission shall certify  
12 all applicants who meet the statutory qualifications.  
13 Nominees shall be chosen solely on the basis of the  
14 qualifications of the applicants, and political affiliation  
15 shall not be considered. As used in this subsection, a  
16 vacancy is created by the death, retirement, resignation, or  
17 removal of a full-time associate juvenile judge, or by an  
18 increase in the number of positions authorized.

19 4. Within fifteen days after the chief judge of a judicial  
20 district has received the list of nominees to fill a vacancy  
21 in the office of full-time associate juvenile judge, the  
22 district judges in the judicial election district shall, by  
23 majority vote, appoint one of those nominees to fill the  
24 vacancy.

25 5. A full-time associate juvenile judge who seeks to  
26 resign from the office of district associate judge shall  
27 notify in writing the chief judge of the judicial district as  
28 to the full-time associate juvenile judge's intention to  
29 resign and the effective date of the resignation. The chief  
30 judge of the judicial district, upon receipt of the notice,  
31 shall notify the county magistrate appointing commission and  
32 the state court administrator of the actual or impending  
33 vacancy in the office of full-time associate juvenile judge  
34 due to resignation.

35 6. The supreme court may prescribe rules of procedure to

1 be used by county magistrate appointing commissions when  
2 exercising the duties specified in this section.

3 Sec. 11. NEW SECTION. 602.7103C FULL-TIME ASSOCIATE  
4 JUVENILE JUDGES -- TERM, RETENTION, QUALIFICATIONS.

5 1. Full-time associate juvenile judges shall serve terms  
6 and shall stand for retention in office within the judicial  
7 election districts of their residences as provided under  
8 sections 46.16 through 46.24.

9 2. A person does not qualify for appointment to the office  
10 of full-time associate juvenile judge unless the person is at  
11 the time of appointment a resident of the county in which the  
12 vacancy exists, licensed to practice law in Iowa, and will be  
13 able, measured by the person's age at the time of appointment,  
14 to complete the initial term of office prior to reaching age  
15 seventy-two. An applicant for full-time associate juvenile  
16 judge shall file a certified application form, to be provided  
17 by the supreme court, with the chairperson of the county  
18 magistrate appointing commission.

19 3. A full-time associate juvenile judge must be a resident  
20 of a county in which the office is held during the entire term  
21 of office. A full-time associate juvenile judge shall serve  
22 within the judicial district in which appointed, as directed  
23 by the chief judge, and is subject to reassignment under  
24 section 602.6108.

25 4. Full-time associate juvenile judges shall qualify for  
26 office as provided in chapter 63 for district judges.

27 Sec. 12. Section 633.20, subsection 3, Code 1999, is  
28 amended to read as follows:

29 ~~3. The chief judge of a judicial district may appoint an~~  
30 ~~associate probate judge and may remove the associate probate~~  
31 ~~judge for cause following a hearing. The associate probate~~  
32 ~~judge shall be an attorney admitted to practice law in this~~  
33 ~~state and shall be qualified for the position by training and~~  
34 ~~experience. The~~ A person appointed as an associate probate  
35 judge shall have jurisdiction to audit accounts of fiduciaries



1 and to perform ministerial duties and judicial functions as  
2 the court prescribes.

3 Sec. 13. NEW SECTION. 633.20A PART-TIME ASSOCIATE  
4 PROBATE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

5 The chief judge of a judicial district may appoint a part-  
6 time associate probate judge and may remove the part-time  
7 associate probate judge for cause following a hearing. The  
8 associate probate judge shall be an attorney admitted to  
9 practice law in this state and shall be qualified for the  
10 position by training and experience.

11 Sec. 14. NEW SECTION. 633.20B APPOINTMENT AND  
12 RESIGNATION OF FULL-TIME ASSOCIATE PROBATE JUDGES.

13 1. Full-time associate probate judges shall be appointed  
14 by the district judges of the judicial election district from  
15 persons nominated by the county magistrate appointing  
16 commission. In the case of a full-time associate probate  
17 judge to be appointed to more than one county, the appointment  
18 shall be from persons nominated by the county magistrate  
19 appointing commissions acting jointly and in the case of a  
20 full-time associate probate judge to be appointed to more than  
21 one judicial election district of the same judicial district,  
22 the appointment shall be by a majority of the district judges  
23 in each judicial election district.

24 2. In November of any year in which an impending vacancy  
25 is created because a full-time associate probate judge is not  
26 retained in office pursuant to a judicial election, the county  
27 magistrate appointing commission shall publicize notice of the  
28 vacancy in at least two publications in the official county  
29 newspaper. The commission shall accept applications for  
30 consideration for nomination as full-time associate probate  
31 judge for a minimum of fifteen days prior to certifying  
32 nominations. The commission shall consider the applications  
33 and shall, by majority vote, certify to the chief judge of the  
34 judicial district not later than December 15 of that year the  
35 names of three applicants who are nominated by the commission

1 for the vacancy. If there are three or fewer applicants, the  
2 commission shall certify all applicants who meet the statutory  
3 qualifications. Nominees shall be chosen solely on the basis  
4 of the qualifications of the applicants, and political  
5 affiliation shall not be considered.

6 3. Within thirty days after a county magistrate appointing  
7 commission receives notification of an actual or impending  
8 vacancy in the office of full-time associate probate judge,  
9 other than a vacancy referred to in subsection 2, the  
10 commission shall certify to the chief judge of the judicial  
11 district the names of three applicants who are nominated by  
12 the commission for the vacancy. The commission shall  
13 publicize notice of the vacancy in at least two publications  
14 in the official county newspaper. The commission shall accept  
15 applications for consideration for nomination as full-time  
16 associate probate judge for a minimum of fifteen days prior to  
17 certifying nominations. The commission shall consider the  
18 applications and shall, by majority vote, certify to the chief  
19 judge of the judicial district the names of three applicants  
20 who are nominated by the commission for the vacancy. If there  
21 are three or fewer applicants, the commission shall certify  
22 all applicants who meet the statutory qualifications.  
23 Nominees shall be chosen solely on the basis of the  
24 qualifications of the applicants, and political affiliation  
25 shall not be considered. As used in this subsection, a  
26 vacancy is created by the death, retirement, resignation, or  
27 removal of a full-time associate probate judge, or by an  
28 increase in the number of positions authorized.

29 4. Within fifteen days after the chief judge of a judicial  
30 district has received the list of nominees to fill a vacancy  
31 in the office of full-time associate probate judge, the  
32 district judges in the judicial election district shall, by  
33 majority vote, appoint one of those nominees to fill the  
34 vacancy.

35 5. A full-time associate probate judge who seeks to resign

1 from the office of district associate judge shall notify in  
2 writing the chief judge of the judicial district as to the  
3 full-time associate probate judge's intention to resign and  
4 the effective date of the resignation. The chief judge of the  
5 judicial district, upon receipt of the notice, shall notify  
6 the county magistrate appointing commission and the state  
7 court administrator of the actual or impending vacancy in the  
8 office of full-time associate probate judge due to  
9 resignation.

10 6. The supreme court may prescribe rules of procedure to  
11 be used by county magistrate appointing commissions when  
12 exercising the duties specified in this section.

13 Sec. 15. NEW SECTION. 633.20C FULL-TIME ASSOCIATE  
14 PROBATE JUDGES -- TERM, RETENTION, QUALIFICATIONS.

15 1. Full-time associate probate judges shall serve terms  
16 and shall stand for retention in office within the judicial  
17 election districts of their residences as provided under  
18 sections 46.16 through 46.24.

19 2. A person does not qualify for appointment to the office  
20 of full-time associate probate judge unless the person is at  
21 the time of appointment a resident of the county in which the  
22 vacancy exists, licensed to practice law in Iowa, and will be  
23 able, measured by the person's age at the time of appointment,  
24 to complete the initial term of office prior to reaching age  
25 seventy-two. An applicant for full-time associate probate  
26 judge shall file a certified application form, to be provided  
27 by the supreme court, with the chairperson of the county  
28 magistrate appointing commission.

29 3. A full-time associate probate judge must be a resident  
30 of a county in which the office is held during the entire term  
31 of office. A full-time associate probate judge shall serve  
32 within the judicial district in which appointed, as directed  
33 by the chief judge, and is subject to reassignment under  
34 section 602.6108.

35 4. Full-time associate probate judges shall qualify for



MAR 11 1999

Judiciary  
S-3/31/99 Amend/Do Pass  
W/S-3210

Place On Calendar

HOUSE FILE **647**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 101)

Passed House, Date 3/22/99 (P.767) Passed Senate, Date 4/13/99 (P.1082)  
Vote: Ayes 92 Nays 0 Vote: Ayes 49 Nays 0

(P.1386) Approved April 29, 1999  
Reported 4-19-99  
Vote 96-0

A BILL FOR

1 An Act relating to judges, concerning associate juvenile judges,  
2 associate probate judges, and retired judges.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 647

S-3210

1 Amend House File 647, as passed by the House, as  
2 follows:  
3 1. Title page, line 1, by inserting after the  
4 words "juvenile judges," the following: "and".  
5 2. Title page, line 2, by striking the words "  
6 and retired judges".

By COMMITTEE ON JUDICIARY  
ANDY MCKEAN, Chairperson

S-3210 FILED MARCH 31, 1999

adopted  
4/13/99 (P.1082)

SENATE AMENDMENT TO HOUSE FILE 647

H-1578

1 Amend House File 647, as passed by the House, as  
2 follows:  
3 1. Title page, line 1, by inserting after the  
4 words "juvenile judges," the following: "and".  
5 2. Title page, line 2, by striking the words "  
6 and retired judges".

RECEIVED FROM THE SENATE

H-1578 FILED APRIL 13, 1999

House Concurred 4/19/99 (P.1386)

HF 647

1 Section 1. Section 46.16, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. Subject to removal for cause, the  
4 initial term of office of a full-time associate juvenile judge  
5 or a full-time associate probate judge shall be for one year  
6 after appointment and until January 1 following the next  
7 judicial election after expiration of such year, and the  
8 regular term of office of a full-time associate juvenile judge  
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18 court including district associate judges, full-time associate  
19 juvenile judges, or full-time associate probate judges, or a  
20 clerk of the district court who is required to stand for  
21 retention under section 602.1216 may file a declaration of  
22 candidacy with the state commissioner of elections to stand  
23 for retention or rejection at that election. If a judge or  
24 clerk fails to file the declaration, the office shall be  
25 vacant at the end of the term. District associate judges,  
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5 that election. The county commissioner of elections shall  
6 place the names upon the ballot in the order in which they  
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8 thereon. The state commissioner of elections shall rotate the  
9 names in the certificate by county, or the county commissioner  
10 of elections shall rotate them upon the ballot by precinct if  
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12 and clerks to be voted on shall be placed upon one ballot,  
13 which shall be in substantially the following form:

14 STATE OF IOWA  
15 JUDICIAL BALLOT  
16 (Date)

17 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX  
18 AFTER EACH NAME.

19 SUPREME COURT

20 Shall the following judges of the Supreme Court be retained  
21 in office?

22 CANDIDATE'S NAME YES NO  
23 CANDIDATE'S NAME YES NO

24 COURT OF APPEALS

25 Shall the following judges of the Court of Appeals be  
26 retained in office?

27 CANDIDATE'S NAME YES NO  
28 CANDIDATE'S NAME YES NO

29 DISTRICT COURT

30 Shall the following judge, or associate judge, associate  
31 juvenile judge, or associate probate judge of the District  
32 Court be retained in office?

33 CANDIDATE'S NAME YES NO

34 Shall the following clerk of the District Court be retained  
35 in office?

1 CANDIDATE'S NAME YES NO

2 Sec. 4. Section 46.24, unnumbered paragraph 1, Code 1999,  
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18 and full-time associate probate judges shall receive the  
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23 exercised by district judges, district associate judges,  
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26 Sec. 7. Section 602.7103, Code 1999, is amended to read as  
27 follows:

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29 JURISDICTION -- APPEALS.

30 ~~1. The chief judge may appoint and may remove for cause~~  
31 ~~with due process an associate juvenile judge. The associate~~  
32 ~~juvenile judge shall be an attorney admitted to practice law~~  
33 ~~in this state, and shall be qualified for duties by training~~  
34 ~~and experience.~~

35 2. 1. The An associate juvenile judge shall have the same



1 jurisdiction to conduct juvenile court proceedings, to issue  
2 warrants, nontestimonial identification orders, and contempt  
3 arrest warrants for adults in juvenile court proceedings, and  
4 to issue orders, findings, and decisions as the judge of the  
5 juvenile court. However, the appointing judge may limit the  
6 exercise of juvenile court jurisdiction by the associate  
7 juvenile judge.

8     3- 2. The parties to a proceeding heard by an associate  
9 juvenile judge are entitled to appeal the order, finding, or  
10 decision of an associate juvenile judge, in the manner of an  
11 appeal from orders, findings, or decisions of district court  
12 judges. An appeal does not automatically stay the order,  
13 finding, or decision of an associate juvenile judge.

14     Sec. 8. NEW SECTION. 602.7103A PART-TIME ASSOCIATE  
15 JUVENILE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

16     The chief judge may appoint and may remove for cause with  
17 due process a part-time associate juvenile judge. The part-  
18 time associate juvenile judge shall be an attorney admitted to  
19 practice law in this state, and shall be qualified for duties  
20 by training and experience.

21     Sec. 9. NEW SECTION. 602.7103B APPOINTMENT AND  
22 RESIGNATION OF FULL-TIME ASSOCIATE JUVENILE JUDGES.

23     1. Full-time associate juvenile judges shall be appointed  
24 by the district judges of the judicial election district from  
25 persons nominated by the county magistrate appointing  
26 commission. In the case of a full-time associate juvenile  
27 judge to be appointed to more than one county, the appointment  
28 shall be from persons nominated by the county magistrate  
29 appointing commissions acting jointly and in the case of a  
30 full-time associate juvenile judge to be appointed to more  
31 than one judicial election district of the same judicial  
32 district, the appointment shall be by a majority of the  
33 district judges in each judicial election district.

34     2. In November of any year in which an impending vacancy  
35 is created because a full-time associate juvenile judge is not

1 retained in office pursuant to a judicial election, the county  
2 magistrate appointing commission shall publicize notice of the  
3 vacancy in at least two publications in the official county  
4 newspaper. The commission shall accept applications for  
5 consideration for nomination as full-time associate juvenile  
6 judge for a minimum of fifteen days prior to certifying  
7 nominations. The commission shall consider the applications  
8 and shall, by majority vote, certify to the chief judge of the  
9 judicial district not later than December 15 of that year the  
10 names of three applicants who are nominated by the commission  
11 for the vacancy. If there are three or fewer applicants, the  
12 commission shall certify all applicants who meet the statutory  
13 qualifications. Nominees shall be chosen solely on the basis  
14 of the qualifications of the applicants, and political  
15 affiliation shall not be considered.

16 3. Within thirty days after a county magistrate appointing  
17 commission receives notification of an actual or impending  
18 vacancy in the office of full-time associate juvenile judge,  
19 other than a vacancy referred to in subsection 2, the  
20 commission shall certify to the chief judge of the judicial  
21 district the names of three applicants who are nominated by  
22 the commission for the vacancy. The commission shall  
23 publicize notice of the vacancy in at least two publications  
24 in the official county newspaper. The commission shall accept  
25 applications for consideration for nomination as full-time  
26 associate juvenile judge for a minimum of fifteen days prior  
27 to certifying nominations. The commission shall consider the  
28 applications and shall, by majority vote, certify to the chief  
29 judge of the judicial district the names of three applicants  
30 who are nominated by the commission for the vacancy. If there  
31 are three or fewer applicants, the commission shall certify  
32 all applicants who meet the statutory qualifications.  
33 Nominees shall be chosen solely on the basis of the  
34 qualifications of the applicants, and political affiliation  
35 shall not be considered. As used in this subsection, a

1 vacancy is created by the death, retirement, resignation, or  
2 removal of a full-time associate juvenile judge, or by an  
3 increase in the number of positions authorized.

4 4. Within fifteen days after the chief judge of a judicial  
5 district has received the list of nominees to fill a vacancy  
6 in the office of full-time associate juvenile judge, the  
7 district judges in the judicial election district shall, by  
8 majority vote, appoint one of those nominees to fill the  
9 vacancy.

10 5. A full-time associate juvenile judge who seeks to  
11 resign from the office of district associate judge shall  
12 notify in writing the chief judge of the judicial district as  
13 to the full-time associate juvenile judge's intention to  
14 resign and the effective date of the resignation. The chief  
15 judge of the judicial district, upon receipt of the notice,  
16 shall notify the county magistrate appointing commission and  
17 the state court administrator of the actual or impending  
18 vacancy in the office of full-time associate juvenile judge  
19 due to resignation.

20 6. The supreme court may prescribe rules of procedure to  
21 be used by county magistrate appointing commissions when  
22 exercising the duties specified in this section.

23 Sec. 10. NEW SECTION. 602.7103C FULL-TIME ASSOCIATE  
24 JUVENILE JUDGES -- TERM, RETENTION, QUALIFICATIONS.

25 1. Full-time associate juvenile judges shall serve terms  
26 and shall stand for retention in office within the judicial  
27 election districts of their residences as provided under  
28 sections 46.16 through 46.24.

29 2. A person does not qualify for appointment to the office  
30 of full-time associate juvenile judge unless the person is at  
31 the time of appointment a resident of the county in which the  
32 vacancy exists, licensed to practice law in Iowa, and will be  
33 able, measured by the person's age at the time of appointment,  
34 to complete the initial term of office prior to reaching age  
35 seventy-two. An applicant for full-time associate juvenile

1 judge shall file a certified application form, to be provided  
2 by the supreme court, with the chairperson of the county  
3 magistrate appointing commission.

4 3. A full-time associate juvenile judge must be a resident  
5 of a county in which the office is held during the entire term  
6 of office. A full-time associate juvenile judge shall serve  
7 within the judicial district in which appointed, as directed  
8 by the chief judge, and is subject to reassignment under  
9 section 602.6108.

10 4. Full-time associate juvenile judges shall qualify for  
11 office as provided in chapter 63 for district judges.

12 Sec. 11. Section 633.20, subsection 3, Code 1999, is  
13 amended to read as follows:

14 ~~3. The chief judge of a judicial district may appoint an~~  
15 ~~associate probate judge and may remove the associate probate~~  
16 ~~judge for cause following a hearing. The associate probate~~  
17 ~~judge shall be an attorney admitted to practice law in this~~  
18 ~~state and shall be qualified for the position by training and~~  
19 ~~experience. The~~ A person appointed as an associate probate  
20 judge shall have jurisdiction to audit accounts of fiduciaries  
21 and to perform ministerial duties and judicial functions as  
22 the court prescribes.

23 Sec. 12. NEW SECTION. 633.20A PART-TIME ASSOCIATE  
24 PROBATE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

25 The chief judge of a judicial district may appoint a part-  
26 time associate probate judge and may remove the part-time  
27 associate probate judge for cause following a hearing. The  
28 associate probate judge shall be an attorney admitted to  
29 practice law in this state and shall be qualified for the  
30 position by training and experience.

31 Sec. 13. NEW SECTION. 633.20B APPOINTMENT AND  
32 RESIGNATION OF FULL-TIME ASSOCIATE PROBATE JUDGES.

33 1. Full-time associate probate judges shall be appointed  
34 by the district judges of the judicial election district from  
35 persons nominated by the county magistrate appointing

1 commission. In the case of a full-time associate probate  
2 judge to be appointed to more than one county, the appointment  
3 shall be from persons nominated by the county magistrate  
4 appointing commissions acting jointly and in the case of a  
5 full-time associate probate judge to be appointed to more than  
6 one judicial election district of the same judicial district,  
7 the appointment shall be by a majority of the district judges  
8 in each judicial election district.

9 2. In November of any year in which an impending vacancy  
10 is created because a full-time associate probate judge is not  
11 retained in office pursuant to a judicial election, the county  
12 magistrate appointing commission shall publicize notice of the  
13 vacancy in at least two publications in the official county  
14 newspaper. The commission shall accept applications for  
15 consideration for nomination as full-time associate probate  
16 judge for a minimum of fifteen days prior to certifying  
17 nominations. The commission shall consider the applications  
18 and shall, by majority vote, certify to the chief judge of the  
19 judicial district not later than December 15 of that year the  
20 names of three applicants who are nominated by the commission  
21 for the vacancy. If there are three or fewer applicants, the  
22 commission shall certify all applicants who meet the statutory  
23 qualifications. Nominees shall be chosen solely on the basis  
24 of the qualifications of the applicants, and political  
25 affiliation shall not be considered.

26 3. Within thirty days after a county magistrate appointing  
27 commission receives notification of an actual or impending  
28 vacancy in the office of full-time associate probate judge,  
29 other than a vacancy referred to in subsection 2, the  
30 commission shall certify to the chief judge of the judicial  
31 district the names of three applicants who are nominated by  
32 the commission for the vacancy. The commission shall  
33 publicize notice of the vacancy in at least two publications  
34 in the official county newspaper. The commission shall accept  
35 applications for consideration for nomination as full-time

1 associate probate judge for a minimum of fifteen days prior to  
2 certifying nominations. The commission shall consider the  
3 applications and shall, by majority vote, certify to the chief  
4 judge of the judicial district the names of three applicants  
5 who are nominated by the commission for the vacancy. If there  
6 are three or fewer applicants, the commission shall certify  
7 all applicants who meet the statutory qualifications.

8 Nominees shall be chosen solely on the basis of the  
9 qualifications of the applicants, and political affiliation  
10 shall not be considered. As used in this subsection, a  
11 vacancy is created by the death, retirement, resignation, or  
12 removal of a full-time associate probate judge, or by an  
13 increase in the number of positions authorized.

14 4. Within fifteen days after the chief judge of a judicial  
15 district has received the list of nominees to fill a vacancy  
16 in the office of full-time associate probate judge, the  
17 district judges in the judicial election district shall, by  
18 majority vote, appoint one of those nominees to fill the  
19 vacancy.

20 5. A full-time associate probate judge who seeks to resign  
21 from the office of district associate judge shall notify in  
22 writing the chief judge of the judicial district as to the  
23 full-time associate probate judge's intention to resign and  
24 the effective date of the resignation. The chief judge of the  
25 judicial district, upon receipt of the notice, shall notify  
26 the county magistrate appointing commission and the state  
27 court administrator of the actual or impending vacancy in the  
28 office of full-time associate probate judge due to  
29 resignation.

30 6. The supreme court may prescribe rules of procedure to  
31 be used by county magistrate appointing commissions when  
32 exercising the duties specified in this section.

33 Sec. 14. NEW SECTION. 633.20C FULL-TIME ASSOCIATE  
34 PROBATE JUDGES -- TERM, RETENTION, QUALIFICATIONS.

35 1. Full-time associate probate judges shall serve terms

1 and shall stand for retention in office within the judicial  
2 election districts of their residences as provided under  
3 sections 46.16 through 46.24.

4 2. A person does not qualify for appointment to the office  
5 of full-time associate probate judge unless the person is at  
6 the time of appointment a resident of the county in which the  
7 vacancy exists, licensed to practice law in Iowa, and will be  
8 able, measured by the person's age at the time of appointment,  
9 to complete the initial term of office prior to reaching age  
10 seventy-two. An applicant for full-time associate probate  
11 judge shall file a certified application form, to be provided  
12 by the supreme court, with the chairperson of the county  
13 magistrate appointing commission.

14 3. A full-time associate probate judge must be a resident  
15 of a county in which the office is held during the entire term  
16 of office. A full-time associate probate judge shall serve  
17 within the judicial district in which appointed, as directed  
18 by the chief judge, and is subject to reassignment under  
19 section 602.6108.

20 4. Full-time associate probate judges shall qualify for  
21 office as provided in chapter 63 for district judges.

22 Sec. 15. FULL-TIME ASSOCIATE JUVENILE AND FULL-TIME  
23 ASSOCIATE PROBATE JUDGES AS OF JULY 1, 1999 -- EXCEPTION --  
24 RETENTION. Associate juvenile judges and associate probate  
25 judges serving full-time as of July 1, 1999, shall,  
26 notwithstanding the provisions of sections 46.16, 602.7103B,  
27 602.7103C, 633.20B, and 633.20C to the contrary, remain as  
28 full-time associate judges and shall stand for retention in  
29 office within the judicial election districts of their  
30 residences at the judicial election in 2000 and every four  
31 years thereafter, under sections 46.17 through 46.24.

32 EXPLANATION

33 This bill deals with the appointment, qualifications, and  
34 retention of full-time associate juvenile judges and full-time  
35 associate probate judges.

1 Code chapter 46, governing the terms of and retention  
2 elections of judges, is amended to include full-time associate  
3 juvenile and probate judges. The amendments provide that  
4 these judges shall be treated the same as district associate  
5 judges in regard to terms in office and retention elections.

6 Code section 602.1501 is amended to provide that the salary  
7 for full-time associate juvenile and probate judges shall be  
8 set by the general assembly.

9 Code section 602.6104 is amended to provide that the  
10 jurisdiction of the district court can be exercised by full-  
11 time associate juvenile and probate judges.

12 New Code section 602.7103A retains the current law, found  
13 in Code section 602.7103(1) governing the appointment,  
14 qualifications, and removal of associate juvenile judges but  
15 limits its application to part-time associate juvenile judges.

16 New Code section 602.7103B provides for the appointment and  
17 resignation of full-time associate juvenile judges in the same  
18 manner as district associate judges. The section provides  
19 that the applicable district judges shall appoint a full-time  
20 associate juvenile judge from nominees submitted to them by  
21 the county magistrate appointing commission. New Code section  
22 602.7103C provides for the qualifications of these judges and  
23 establishes that they shall serve terms, and be subject to  
24 retention elections, as provided in Code chapter 46.

25 New Code sections 633.20A, 633.20B, and 633.20C provide for  
26 associate probate judges in the same manner as the bill  
27 provides for associate juvenile judges. Code section 633.20A  
28 provides for the appointment, qualifications, and removal of  
29 part-time associate probate judges. Code sections 633.20B and  
30 633.20C provide for the appointment, resignation,  
31 qualifications, and terms of full-time associate probate  
32 judges in the same manner as the bill provides for full-time  
33 associate juvenile judges.

34 Section 15 of the bill provides that associate juvenile and  
35 probate judges who are full-time as of July 1, 1999, can



1 remain in the position without going through the appointment  
2 process established by the bill and further provides that they  
3 shall be subject to a retention election in 2000 and every  
4 four years thereafter.

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AN ACT  
RELATING TO JUDGES, CONCERNING ASSOCIATE JUVENILE JUDGES, AND  
ASSOCIATE PROBATE JUDGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 46.16, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Subject to removal for cause, the initial term of office of a full-time associate juvenile judge or a full-time associate probate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a full-time associate juvenile judge or a full-time associate probate judge retained at a judicial election shall be four years from the expiration of the initial or previous regular term, as the case may be.

Sec. 2. Section 46.20, Code 1999, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY.

At least one hundred four days before the judicial election preceding expiration of the initial or regular term of office, a judge of the supreme court, court of appeals, or district court including district associate judges, full-time associate juvenile judges, or full-time associate probate judges, or a clerk of the district court who is required to stand for retention under section 602.1216 may file a declaration of candidacy with the state commissioner of elections to stand for retention or rejection at that election. If a judge or clerk fails to file the declaration, the office shall be vacant at the end of the term. District associate judges, full-time associate juvenile judges, and full-time associate probate judges filing the declaration shall stand for

retention in the judicial election district of their residence.

Sec. 3. Section 46.21, Code 1999, is amended to read as follows:

46.21 CONDUCT OF ELECTIONS.

At least sixty-nine days before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, full-time associate juvenile judges, and full-time associate probate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA  
JUDICIAL BALLOT  
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

CANDIDATE'S NAME    YES    NO  
CANDIDATE'S NAME    YES    NO

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

CANDIDATE'S NAME    YES    NO

CANDIDATE'S NAME    YES    NO  
DISTRICT COURT

Shall the following judge, or associate judge, associate juvenile judge, or associate probate judge of the District Court be retained in office?

CANDIDATE'S NAME    YES    NO

Shall the following clerk of the District Court be retained in office?

CANDIDATE'S NAME    YES    NO

Sec. 4. Section 46.24, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A judge of the supreme court, court of appeals, or district court including a district associate judge, full-time associate juvenile judge, or full-time associate probate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns on the Monday or Tuesday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

Sec. 5. Section 602.1501, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Full-time associate juvenile judges and full-time associate probate judges shall receive the salary set by the general assembly.

Sec. 6. Section 602.6104, subsection 1, Code 1999, is amended to read as follows:

1. The jurisdiction of the Iowa district court shall be exercised by district judges, district associate judges, associate juvenile judges, associate probate judges, and magistrates.

Sec. 7. Section 602.7103, Code 1999, is amended to read as follows:

602.7103 ASSOCIATE JUVENILE JUDGE -- PROCEDURE JURISDICTION -- APPEALS.

~~1. The chief judge may appoint and may remove for cause with due process an associate juvenile judge. The associate juvenile judge shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.~~

2. 1. The An associate juvenile judge shall have the same jurisdiction to conduct juvenile court proceedings, to issue warrants, nontestimonial identification orders, and contempt arrest warrants for adults in juvenile court proceedings, and to issue orders, findings, and decisions as the judge of the juvenile court. However, the appointing judge may limit the exercise of juvenile court jurisdiction by the associate juvenile judge.

3. 2. The parties to a proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, in the manner of an appeal from orders, findings, or decisions of district court judges. An appeal does not automatically stay the order, finding, or decision of an associate juvenile judge.

Sec. 8. NEW SECTION. 602.7103A PART-TIME ASSOCIATE JUVENILE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

The chief judge may appoint and may remove for cause with due process a part-time associate juvenile judge. The part-time associate juvenile judge shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

Sec. 9. NEW SECTION. 602.7103B APPOINTMENT AND RESIGNATION OF FULL-TIME ASSOCIATE JUVENILE JUDGES.

1. Full-time associate juvenile judges shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a full-time associate juvenile judge to be appointed to more than one county, the appointment

shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a full-time associate juvenile judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a full-time associate juvenile judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of full-time associate juvenile judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the

applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a full-time associate juvenile judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of full-time associate juvenile judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. A full-time associate juvenile judge who seeks to resign from the office of district associate judge shall notify in writing the chief judge of the judicial district as to the full-time associate juvenile judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of full-time associate juvenile judge due to resignation.

6. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in this section.

**Sec. 10. NEW SECTION. 602.7103C FULL-TIME ASSOCIATE JUVENILE JUDGES -- TERM, RETENTION, QUALIFICATIONS.**

1. Full-time associate juvenile judges shall serve terms and shall stand for retention in office within the judicial election districts of their residences as provided under sections 46.16 through 46.24.

2. A person does not qualify for appointment to the office of full-time associate juvenile judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for full-time associate juvenile judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A full-time associate juvenile judge must be a resident of a county in which the office is held during the entire term of office. A full-time associate juvenile judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

4. Full-time associate juvenile judges shall qualify for office as provided in chapter 63 for district judges.

Sec. 11. Section 633.20, subsection 3, Code 1999, is amended to read as follows:

~~3. The chief judge of a judicial district may appoint an associate probate judge and may remove the associate probate judge for cause following a hearing. The associate probate judge shall be an attorney admitted to practice law in this state and shall be qualified for the position by training and experience. The~~ A person appointed as an associate probate judge shall have jurisdiction to audit accounts of fiduciaries and to perform ministerial duties and judicial functions as the court prescribes.

Sec. 12. NEW SECTION. 633.20A PART-TIME ASSOCIATE PROBATE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

The chief judge of a judicial district may appoint a part-time associate probate judge and may remove the part-time associate probate judge for cause following a hearing. The associate probate judge shall be an attorney admitted to

practice law in this state and shall be qualified for the position by training and experience.

Sec. 13. NEW SECTION. 633.20B APPOINTMENT AND RESIGNATION OF FULL-TIME ASSOCIATE PROBATE JUDGES.

1. Full-time associate probate judges shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a full-time associate probate judge to be appointed to more than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a full-time associate probate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a full-time associate probate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate probate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of full-time associate probate judge,

other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate probate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a full-time associate probate judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of full-time associate probate judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. A full-time associate probate judge who seeks to resign from the office of district associate judge shall notify in writing the chief judge of the judicial district as to the full-time associate probate judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of full-time associate probate judge due to resignation.

6. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in this section.

Sec. 14. NEW SECTION. 633.20C FULL-TIME ASSOCIATE PROBATE JUDGES -- TERM, RETENTION, QUALIFICATIONS.

1. Full-time associate probate judges shall serve terms and shall stand for retention in office within the judicial election districts of their residences as provided under sections 46.16 through 46.24.

2. A person does not qualify for appointment to the office of full-time associate probate judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for full-time associate probate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A full-time associate probate judge must be a resident of a county in which the office is held during the entire term of office. A full-time associate probate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

4. Full-time associate probate judges shall qualify for office as provided in chapter 63 for district judges.

Sec. 15. FULL-TIME ASSOCIATE JUVENILE AND FULL-TIME ASSOCIATE PROBATE JUDGES AS OF JULY 1, 1999 -- EXCEPTION -- RETENTION. Associate juvenile judges and associate probate judges serving full-time as of July 1, 1999, shall, notwithstanding the provisions of sections 46.16, 602.7103B, 602.7103C, 633.20B, and 633.20C to the contrary, remain as full-time associate judges and shall stand for retention in office within the judicial election districts of their

residences at the judicial election in 2000 and every four years thereafter, under sections 46.17 through 46.24.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 647, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 29, 1999

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THOMAS J. VILSACK  
Governor