IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

IN RE THE ADMINISTRATION OF JUVENILE COURT IN JUDICIAL ELECTION DISTRICTS 5A AND 5B FOR 2013	: : :	**ADMINISTRATIVE ORDER 2012-40**

WHEREAS the Supreme Court of Iowa has adopted a Children's Justice Initiative to improve outcomes for children in foster care. The Supreme Court has directed each judicial district to strengthen court oversight of child welfare matters by achieving the following goals:

- Develop and implement specific strategies to meet the performance measures set out in the federal Adoption and Safe Families Act of 1997 and Iowa Code Chapter 232 in all counties.

- Organize judicial resources and assignments so one judge who has experience in handling child welfare matters and who is committed to improving outcomes for children in Juvenile Court presides over all proceedings and makes all decisions in dependency cases involving one family.

- Conduct an assessment, with the assistance of the Court Improvement Project, of the effectiveness and timeliness of court practices and processes in dependency cases in at least one urban county and one rural county within the year.

An administrative order is necessary to implement the Children's Justice Initiative in Judicial Election Districts 5A and 5B.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Administration:

Under the supervision of the Chief Judge, the judges assigned to Juvenile Court and the Rural Case Coordinator shall be responsible for case management and scheduling for Juvenile Court in each county of Judicial Election Districts 5A and 5B. The Clerk of Court of each county shall be responsible for all docketing and record management for the Juvenile Court; and the Chief Juvenile Court Officer shall be responsible for juvenile probation services in each county.

2. Designation of Juvenile Judges:

All District Court Judges, District Associate Judges, Associate Juvenile Judges and Senior Judges of the Fifth Judicial District are hereby designated as judges of the Juvenile Court for every county of the district pursuant to Iowa Code Section 602.7101. The juvenile judges of Judicial Election District 5A and 5B are hereby designated and assigned as follows:

a. Dallas County and Guthrie Counties: District Associate Judge Virginia Cobb.

b. Warren County: New District Associate Judge replacing Judge Clogg and District Associate Judge Kevin Parker.

c. Madison County: District Associate Judge Kevin Parker and/or New District Associate Judge replacing Judge Clogg.

d. Jasper County: New District Associate replacing Judge Mott.

e. Marion County: District Associate Judge Steven Guiter.

f. Adair, Adams, Clarke, Decatur, Lucas, Ringgold, Taylor, Union and Wayne Counties: District Associate Judge Monty Franklin. (District Judge John Lloyd is designated as the judge for conflicts.)

To the extent that is reasonably practicable, the judges assigned to the Juvenile Court of these counties shall preside over all proceedings and make all decisions in both dependency and delinquency cases involving one family. It is contemplated that these assignments will be subject to review every three years.

3. Case Management:

The case management principles of the Fifth Judicial District shall apply to all Juvenile Court cases. The judicial resources of Juvenile Court shall be organized to provide for the scheduling of specific hearing dates for each Juvenile Court proceeding so as to encourage attendance at hearings by children and families. Hearings shall be conducted in the courtroom to facilitate effective participation by all parties. All hearing dates shall be considered firm. Continuances shall not be granted unless the continuance is necessary for the protection of the child, for accumulation or presentation of evidence or witnesses, to protect the rights of a party, or for other good cause shown

on the record. All hearings shall be conducted in one continuous session as a recognized best practice

4. Scheduling:

The assigned district judges and the Rural Case Coordinator for 5B and the assigned district associate judges in 5A shall schedule all hearings on the ICIS scheduling system at specific times on Juvenile Court service day and such other times as necessary to maximize accessibility of the Juvenile Court. Juvenile Court service days shall be scheduled in each county as set forth in Exhibit "A" attached hereto and by this reference incorporated herein. Judicial bypass proceedings under Iowa Code Chapter 135L shall be assigned to the designated Juvenile Court Judge in each county, or in his or her absence to another judge as provided herein. Judges and the Rural Case Coordinator shall manage the schedule to avoid scheduling conflicts of counsel. Double booking of hearings is prohibited. Ordinarily, Juvenile Court will not be in session during a judge's scheduled vacation, educational leave or other absence. However, short or unanticipated absences will be covered first by other judges assigned to the Juvenile Court, and second by other judges assigned by Court Administration as necessary.

5. Records Management:

The office of the Clerk of Court of each county shall maintain all legal files and original records required in juvenile proceedings. All pleadings, orders and other documents required by law to be filed in juvenile proceedings shall be filed with the clerk. The clerk shall docket all pleadings, orders, exhibits and other matters on the ICIS system on a timely basis. All delinquency, CINA, Chapter 232 TPR and Adoptions following Chapter 232 TPR cases shall be indexed on ICIS.

6. Removal Hearings:

During regular business hours, the County Attorney shall file applications for removal, CINA petitions and/or modifications under Iowa Code Chapter 232 with the Clerk of Court. After regular hours and on weekends and holidays, the judge may sign removal orders and the same shall be filed by the County Attorney with the Clerk of Court on the next business day. The County Attorney shall present the application to the assigned judge, if available, and obtain a hearing date. If the assigned judge is

unavailable, another judge may sign a removal order, provided however, the case shall remain on the docket of the assigned judge. If the application is disapproved, the judge shall so note in writing on the application presented and file it with the Clerk of Court. Removal hearings shall be conducted by the assigned judged if available, otherwise by a judge assigned by Court Administration.

7. Detention Hearings:

The County Attorney or Juvenile Court Officer shall apply for a detention hearing as soon as practicable upon the detention of a juvenile. Upon filing, the Clerk of Court or Juvenile Court Officer shall notify the assigned district associate judge in 5A or the Rural Case Coordinator for 5B. The 5A district associate judge or the Rural Case Coordinator for 5B shall set a date, time and place of the detention hearing as required by Iowa Code Section 232.44 and notify the assigned judge and Juvenile Court Services. Juvenile Court Services shall contact an attorney on the State Public Defenders contact list for appointment to represent the juvenile at the detention hearing. The Court will confirm the appointment or appoint replacement counsel at the hearing. At the earliest possible time, Juvenile Court Services shall notify all parties of the date, time and place of the detention hearing as required by Section 232.44. The Juvenile Court Officer shall complete returns of services and present the paperwork to the clerk for inclusion in the court file. Unserved notices shall be returned to the County Attorney for further action.

Detention hearings shall be conducted by the assigned judge if available, otherwise by a judge assigned by Court Administration. Detention hearings shall be meaningful events and shall commence promptly at the scheduled times.

8. Department of Human Services and Juvenile Court Services Reporting Requirements and Contested Hearing Notices:

For all CINA cases, the assigned Department of Human Services staff member shall file with the Court reports required by Iowa Code Section 232.97 no later than ten (10) calendar days before the date of the pending hearing. For all delinquency cases, the assigned Juvenile Court Officer shall file all required reports with the Court no later than ten (10) calendar days before the date of the pending hearing. Amendments to such report shall be permitted through the time of the hearing.

Any party to a matter who wishes to contest a CINA or delinquency proceeding shall provide notice to the Court, opposing parties and the Rural Case Coordinator no later than seven (7) calendar days before the time of the hearing. If, after this time frame, a matter listed as uncontested becomes contested, such matter shall be rescheduled by the Juvenile Court and the Rural Case Coordinator, with due consideration for the required statutory time frames, to an appropriate time slot.

9. Effective Date:

This order is effective upon the dated signed, and implementation of the procedures set forth herein shall be effective Wednesday, January 2, 2013. This Order shall supersede all previous administrative orders and directives concerning the administration of the Juvenile Court in Election Districts 5A and 5B. This order may be amended as necessary to reflect continuous improvement of the quality of the Juvenile Court of the Fifth Judicial District.

DATED this 4th day of October, 2012.

ARTHUR E. GAMBLE, Chief Judge
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Mark Cady, Iowa Supreme Court
Liaison Justice David Wiggins, Iowa Supreme Court
State Court Administrator, David Boyd
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website

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POLK COUNTY, IA.
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CLERK DISTRICT COURT