In the Supreme Court of Iowa

FILED
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CLERK SUPREME COURT

In the Matter of the New Rule of Juvenile Procedure 8.36	)))	**Order**

Following a full-day public hearing, and the consideration of extensive written comments, the supreme court has decided to promulgate (1) a new rule of juvenile procedure 8.36 and (2) standards for practice for attorneys who represent parents in juvenile court proceedings. The court has adopted, in part, recommendations made by the Representation Task Force, co-chaired by Judge Susan Christensen and State Public Defender Sam Langholz.

The Task Force was concerned about the need for high-quality representation of parents in juvenile court proceedings. Accordingly, the Task Force recommended to the court that it require attorneys representing parents in juvenile court proceedings to meet an initial training and experience requirement, to complete five hours of continuing legal education in juvenile law each year, and to adhere to certain practice standards.

These proposals were submitted for public comment last fall. While some commenters supported the proposals, others opposed them. Many commenters also had specific suggestions or criticisms. Because of the intense public interest in the proposals, the court decided to reopen the comment period and conduct an all-day public hearing on July 9, 2013. This public hearing included both supporters and opponents of the proposed new rule and proposed standards.

The written comments and the testimony at the public hearing have been extraordinarily helpful to the court. The court thanks the Task Force for its initial work and the commenters and the parties appearing at the public hearing for their important contributions in juvenile court practice.

After considering the various points raised, the court has decided to proceed as follows. The court is promulgating a new rule 8.36 that will apply to attorneys who are appointed to represent parents in juvenile court. Rule 8.36 does not include an initial training or experience requirement. The following are highlights of the rule:

1. Attorneys covered by the rule will be required to complete three hours of accredited CLE annually relating to the legal, ethical, medical, psychological, or social issues arising in juvenile court. These classes can be counted toward the annual CLE requirement and it is expected that they will be available throughout the state at little or no charge.
2. Attorneys covered by the rule will be expected to keep track of relevant coursework they have completed, and to demonstrate compliance with the rule upon request by a judge or by the State Public Defender's office, but there is no separate reporting requirement.
3. The rule will take effect on January 1, 2015, at which time attorneys covered by the rule will have to be in compliance with the CLE requirement before they can take further appointments.

In addition, the court is adopting the proposed standards, substantially in the form recommended by the Task Force. The standards will apply to attorneys representing parents in juvenile court. The court wants to elevate the importance of children's justice issues and believes the standards will help achieve that purpose. These standards of practice do not add obligations to the Iowa Rules of Professional Conduct, but provide guidance to attorneys representing parents in juvenile proceedings for practicing in compliance with the rules. In the event of any conflict between these standards and a rule of professional

conduct, the requirements of the rule shall take precedence. The standards of practice will not be published as a rule, but will be posted on the Iowa Judicial Branch website.

The actual texts of rule 8.36 and of the standards are attached to this order.

Dated this 16th day of October, 2013.

The Supreme Court of Iowa

By Mark S. Cady

Mark S. Cady, Chief Justice