

**FILED**

FEB 14 2017

CLERK SUPREME COURT

**In the Iowa Supreme Court**

<b>In the Matter of Adopting New</b>	)	
<b>Iowa Rule of Civil Procedure</b>	)	<b>Order</b>
<b>1.431(10)—Hearings on</b>	)	
<b>Temporary Family Law Orders</b>	)	

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The Iowa Supreme Court adopts new rule of civil procedure 1.431(10) addressing hearings on temporary orders pursuant to Iowa Code sections 598.10 and 600B.40A. Rule 1.431(10) requires the court to conduct such hearings in the presence of the parties who have appeared for the hearing either in person, by telephone, or by video conference.

Prior to adopting the new rule, the court considered the recommendation of its Family Law Case Processing Reform Task Force and public comments received on the rule. The court appreciates the work of the Task Force and the comments received on the proposed rule, which were helpful in the court's analysis. The court finds that the presence of parties during hearings on important temporary matters will further the twin aims of judicial transparency and procedural fairness.

Iowa Rule of Civil Procedure 1.431(10) as provided with this order is temporarily adopted, effective immediately. The rule will permanently take effect April 17, 2017, subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

Dated this 14th day of February, 2017.

The Supreme Court of Iowa

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

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- ✓ The Iowa State Bar Association
- ✓ Iowa Legal Aid
- ✓ Office of Professional Regulation
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- ✓ Iowa Association for Justice
- ✓ Iowa Association of Women Attorneys
- ✓ Administrative Code Editor
- ✓ Thomson Reuters (Westlaw)
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1 IOWA RULES OF CIVIL PROCEDURE

2 . . . . .

3 **DIVISION IV**  
4 **PLEADINGS AND MOTIONS**

5 . . . . .

6 C. MOTIONS

7 **Rule 1.431 Motion practice; generally.**

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9 1.431(10) Hearings on temporary orders pursuant to Iowa Code  
10 sections 598.10 and 600B.40A, whether testimony is taken or not,  
11 shall occur in the presence of the parties who have appeared for the  
12 hearing. If the court conducts the hearing by telephone or video  
13 conference, the parties are entitled to be present for the hearing by  
14 the same means the court uses to conduct the hearing.

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