

1 **Iowa Standards of Practice for**  
2 **Child and Family Reporters in Child Custody Cases**

3 **I. Introduction**

4 A Child and Family Reporter (CFR) is appointed by the court to gather and  
5 report factual information in cases involving the care and custody of minor  
6 children and other matters bearing on the interests or rights of children under  
7 Iowa Code chapters 598 and 600B. A CFR report provides a brief assessment of  
8 the home conditions, parenting capabilities, and other matters pertinent to the  
9 best interests of the child. The court may appoint an attorney, a mental health  
10 professional, or another individual whom the court believes is able to carry out  
11 the CFR role.

12 The purpose of these standards is to provide guidance for Child and Family  
13 Reporters, to promote uniformity, consistency, and accountability in CFR reports,  
14 to promote respect for the rights of parties and their children, and to improve  
15 custody, visitation, and other outcomes for children.

16 These standards do not add obligations to the Iowa Rules of Professional  
17 Conduct, but like the comments to those rules provide guidance to those  
18 serving as Child and Family Reporters in custody cases for practicing in  
19 compliance with their respective professional ethical obligations and rules of  
20 professional conduct. In the event of any conflict between these standards  
21 and a rule of professional conduct for attorneys, the requirements of the rule  
22 take precedence.

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24 **II. Role of a child and family reporter**

25 **A. The CFR gathers and reports factual data to the court.**

26 The role of the CFR is to gather and report factual information that will  
27 assist the court in making custody, visitation, or other decisions related to the  
28 welfare of a child. Unless the appointing judge specifies otherwise, the CFR role is  
29 limited to gathering and reporting information to the court. The CFR may include  
30 recommendations in the report only if the court's appointment order authorizes  
31 inclusion of such recommendations.

32 **B. The CFR must remain impartial and avoid conflicts of interest.**

33 The CFR must approach all family members and parties with an attitude of  
34 respect and openness to hear their account of the relevant facts regardless of any  
35 allegations that have been made. The CFR must not engage in conduct  
36 manifesting bias or prejudice based on race, religion, ethnicity, disability, age,  
37 socioeconomic status, marital status, or sexual orientation against a party,  
38 witness, counsel, or other person involved in a case.

1 The CFR must decline or withdraw from an appointment if the CFR has a  
2 conflict of interest or information or personal relationships that could influence  
3 the process or outcome of the investigation. If the CFR has any prior or existing  
4 direct or indirect relationships with parties, their families, their attorneys,  
5 material witnesses, or someone else connected with the family, the CFR must  
6 consider whether the CFR's impartiality is compromised because of these  
7 relationships. The CFR must decline the appointment if:

8 1. The CFR (or the CFR's law firm) previously advised or acted as  
9 counsel for a party, child, or other person closely aligned to a party  
10 (such as a spouse or nonmarital partner), or a material witness;

11 2. The CFR has provided counseling or other services to a child, a party,  
12 other members of the family, or a material witness; or

13 3. The CFR has or had a family relationship or other close personal  
14 relationship (including an intimate or dating relationship) with a party, a  
15 member of the party's family, a material witness, or counsel of record.

16 **C. The CFR does not act as an attorney or advocate.**

17 The CFR serves as an objective and even-handed reporter. The CFR must  
18 not give legal advice or act as an advocate or attorney for the child. The CFR does  
19 not conduct depositions or engage in direct or cross-examination of witnesses and  
20 does not file motions except as related to performance of the CFR's  
21 responsibilities. For example, a CFR might file a motion seeking access to  
22 individuals, regarding fees or seeking an additional evaluation but should not file  
23 motions related to the substance of the proceedings. If called as a witness, the  
24 CFR may be subject to direct or cross-examination by both parties. The CFR  
25 refers the parties to their attorneys for legal advice.

26 **D. The CFR must not serve dual or multiple roles.**

27 A CFR must not provide legal, mental health, mediation, or other  
28 professional services to any party or the child during the investigation and  
29 pendency of the case.

30 A CFR may not later accept an appointment as an attorney for a child or  
31 guardian ad litem in the same case or the same family. A CFR may accept the  
32 separate role of parenting coordinator or arbitrator after all of the CFR's duties  
33 are completed, and after the court has terminated the CFR appointment, but only  
34 with the written, informed consent of all parties.

35 **E. Payment of the CFR's fees is governed by the court's order of**  
36 **appointment.**

1 The court's appointment order allocates responsibility for payment of the  
2 CFR's fees based on a fixed fee or stated hourly rates. If the appointment order  
3 specifies a presumptive maximum, the CFR may not exceed this fee cap without  
4 securing permission from the court.

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6 **III. Duties of the child and family reporter**

7 **A. The CFR acts pursuant to the court's order of appointment.**

8 Upon appointment, the CFR should review the court's order of appointment  
9 and ask for clarification or modification of the order when necessary. If the order  
10 would require the CFR to act beyond the scope of the CFR's competence or  
11 perform multiple contradictory roles, the CFR should inform the court. Any issues  
12 regarding time needed to complete a report or arrangements for payment of fees  
13 should be addressed immediately upon notice of appointment and before  
14 beginning any work on the case. If any conflicts or other issues cannot be  
15 resolved, the CFR should decline the appointment or request removal from the  
16 case.

17 The CFR appointment terminates at the time specified in the court's order  
18 but in no event later than entry of permanent orders or the post-decree order  
19 resolving the issue for which the appointment was made.

20 **B. The CFR includes all parties in communications with the court or**  
21 **another party.**

22 If the CFR needs to communicate with the court during the course of the  
23 appointment, communication should be carried out in writing with copies to the  
24 parties and their counsel, or by conference call, or at a status conference or court  
25 hearing. If the children are represented by an attorney or guardian ad litem, that  
26 individual should be treated as counsel for purposes of these communications.

27 If the CFR sends a substantive written communication to one party or  
28 counsel, the CFR must send a copy of the communication to the opposing party  
29 or counsel and any representative of the child. The CFR must send copies of any  
30 documents the CFR files with the court to counsel of record and self-represented  
31 parties.

32 **C. The CFR conducts an appropriate investigation.**

33 The CFR may investigate only those areas the court has specified in its  
34 order of appointment and may not broaden the scope of investigation without  
35 obtaining authority from the court in advance. The CFR may not perform a  
36 clinical assessment, conduct psychological testing, or conduct drug and alcohol  
37 or other evaluations unless specifically ordered by the court. If the CFR believes

1 other evaluations would benefit the parties or the children and assist the court,  
2 the CFR should provide this information to the court as soon as possible.

3 At the outset of the investigation, the CFR should invite all counsel and  
4 parties to provide relevant information and documents and a list of witnesses and  
5 professionals who can provide relevant information. When possible, the CFR  
6 accesses original sources of information and uses multiple sources to investigate  
7 any disputed events or facts. The CFR should spend sufficient time interviewing  
8 parties and investigating their concerns to gather relevant information to respond  
9 to the court's inquiry. The CFR decides whether to conduct home visits, and if no  
10 home visits are conducted the CFR should explain this decision in the CFR's  
11 report.

12 As part of the investigation, the CFR must meet with the child or children  
13 and provide them with an opportunity to provide information about themselves  
14 and their family. The CFR should communicate with children in an age-  
15 appropriate manner, and consider the child's views and wishes. When  
16 appropriate, the CFR should observe the child with each parent or party.

17 In meeting with the parties and the child, the CFR should explain the CFR  
18 role, the purpose of the investigation, and how the information the CFR collects  
19 will be reported to the court. A party may request to have counsel present during  
20 an interview, but the CFR controls the interview and conducts the questioning.  
21 The CFR should arrange for a qualified interpreter if a party or the child is not  
22 completely comfortable or fluent using English.

23 **D. The CFR preserves confidentiality.**

24 Information gathered by the CFR is confidential, and the CFR may not  
25 disclose information about the parties, their children, or the services rendered by  
26 the CFR to a person who is not a party or counsel in the case except as necessary  
27 to gather information and complete the investigation and report or to perform  
28 responsibilities related to the court's order of appointment. This prohibition is  
29 permanent and includes any writing, lectures, or other media communication by  
30 the CFR.

31 Before obtaining privileged or confidential information about the parties  
32 and their children, the CFR must obtain appropriate release forms or court  
33 orders. Some third parties or providers may be unaware of the protections that  
34 apply to confidential information relating to the parties or their children, but the  
35 CFR may only review information after appropriate releases or orders have been  
36 provided. If a privilege is not properly waived, a judge may allow a motion to  
37 strike reference to the information from the CFR report.

38 **E. The CFR seeks to preserve the safety of all participants in the**  
39 **process.**

1 The CFR should inquire at the outset of the investigation about any safety  
2 risks related to the investigation for the parties, the child, or others because of  
3 any party's mental illness, substance abuse, domestic violence, child abuse, or  
4 history of violence against others. The CFR should attempt to conduct the  
5 investigation in such a manner as to avoid likely harm to the child, a party, the  
6 CFR, or others.

7 When the CFR suspects or knows that children are being neglected or  
8 abused, the CFR may take appropriate steps to inform law enforcement or the  
9 department of social services and must comply with all mandatory professional  
10 reporting requirements.

11 **F. The CFR may include recommendations pursuant to the**  
12 **appointment order.**

13 If the court's order of appointment authorizes it, the CFR may make  
14 recommendations regarding services, parenting schedules, or other matters as  
15 directed by the court.

16 **IV. CFR reports and records**

17 **A. The CFR prepares a clear, concise, and timely report for the**  
18 **court, the parties, and their counsel.**

19 The CFR must present the results of the CFR's investigation in a written report  
20 to the court with copies delivered to the parties and their counsel. The report sets  
21 forth the information the CFR obtained in the course of the investigation. Any  
22 recommendations the court requests, based on the facts collected, should be  
23 confined to a separate section at the conclusion of the CFR report.

24 The CFR report should include information about the CFR's investigation  
25 process, identifying the persons interviewed and the records reviewed. The report  
26 should be as factual and detailed as possible, as well as accurate, objective, and  
27 unbiased. The report should clearly identify the sources of all information  
28 included. If a party has failed or refused to participate or provide information, the  
29 report should disclose this fact.

30 The CFR must retain any notes, records, documents, recordings, or other  
31 material gathered or created during the investigation so that these materials are  
32 available for discovery, trial, appeal, and remand of the case.

33 **B. The CFR and the court maintain the confidentiality of the CFR**  
34 **report and files.**

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36 The CFR report and underlying materials are considered sealed and not open  
37 to inspection except with consent of the court. The CFR must maintain the

1 confidentiality of the CFR's file and report and disclose these only to the parties  
2 and their counsel or pursuant to court order.

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4 After the CFR's report has been filed and prior to any scheduled hearing in the  
5 case, upon request of the parties or their counsel the CFR must make copies of  
6 the CFR's file and any information underlying the report available to the parties  
7 and their counsel. This includes disclosure of the names and addresses of all  
8 persons the CFR has consulted, CFR notes, and witness statements. However, if a  
9 CFR believes that release of any particular information would endanger any  
10 person's welfare, the CFR should inform counsel and the court and await further  
11 order from the court before releasing the information in question.

12 **C. CFR as a witness.**

13 Pursuant to Iowa Code section 598.12B(2) (2017), the CFR's report must be  
14 submitted to the court and available to all parties. The CFR's report will be a part  
15 of the record unless the court otherwise orders. Any party may call the CFR as a  
16 witness. If called as a witness, the CFR may be cross-examined concerning the  
17 report.