

In the Iowa Supreme Court

CLERK SUPREME COURT

In the Matter of Approving Iowa)	
Standards of Practice for Lawyers)	
Representing Children in Custody)	Amended Order
Cases and Iowa Standards of Practice))	
for Child and Family Reporters in)	
Child Custody Cases)	

On August 17, 2018, The Iowa Supreme Court approved two sets of standards of practice for lawyers in child custody cases: The Iowa Standards of Practice for Lawyers Representing Children in Custody Cases and the Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases. The court also placed the Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court, which the court adopted in October 2013, into the Iowa Court Rules. Since the order of August 17, 2018, a number of nonsubstantive changes have been made to the format and numbering of each set of standards. The standards provided with this order are incorporated into the Iowa Court Rules as chapters 61, 61, and 63, replacing the chapters adopted in the order of August 17, 2018.

The **Iowa Standards of Practice for Lawyers Representing Children in Custody Cases** distinguish two types of lawyers representing children: the Child’s Attorney, who provides independent legal representation for the child; and the Guardian ad Litem, who advocates for the child’s best interests. The Iowa Supreme Court Family Law Care Processing Reform Task Force recommended adoption of the standards in its May 2016 Report, and the standards are consistent with 2017 legislative changes to Iowa Code section 598.12. The court submitted the standards for public comment and did not receive any comments critical of the standards.

The **Iowa Standards of Practice for Child and Family Reporters in**

Child Custody Cases provide guidance for Child and Family Reporters (CFRs) “to promote uniformity, consistency, and accountability in CFR reports, to promote respect for the rights of parties and their children, and to improve custody, visitation, and other outcomes for children.” Courts appoint CFRs to gather information about the care and custody of children and on other matters bearing on the child’s best interests under Iowa Code chapters 598 and 600B to assist the court in making custody, visitation, or other decisions regarding the child’s welfare. The Iowa Supreme Court Family Law Care Processing Reform Task Force recommended adoption of the standards in its May 2016 Report. Adoption of the standards is consistent with Iowa Code section 598.12B(1). The court submitted the standards for public comment and received only comments in support of the standards.

Adoption of both sets of standards is part of the court’s effort to elevate the importance of children’s justice issues. In addition, it is important to note that neither the Iowa Standards of Practice for Lawyers Representing Children in Custody Cases nor the Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases add obligations to the Iowa Rules of Professional Conduct. Rather, the standards provide guidance to attorneys working in child custody proceedings for practicing in compliance with the rules. In the event of conflict between these standards and a rule of professional conduct, the rule of conduct takes precedence.

The Iowa Standards of Practice for Lawyers Representing Children in Custody Cases and the Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases will appear in new chapters 62 and 63 of the Iowa Court Rules respectively.

In addition, the Iowa Standards of Practice for Attorneys Representing

Parents in Juvenile Court, which the court adopted in October 2013, are hereby incorporated into the Iowa Court Rules as new chapter 61.

Each set of standards are provided with this order:

- The Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court, incorporated into new chapter 61 of the Iowa Court Rules.
- The Iowa Standards of Practice for Lawyers Representing Children in Custody Cases, incorporated into the Iowa Court Rules as new chapter 62.
- The Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases, incorporated into the Iowa Court Rules as new chapter 63.

Dated this 28th day of August, 2018.

The Iowa Supreme Court

By 
Mark S. Cady, Chief Justice