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In the Iowa Supreme Court

CLERK SUPREME COURT

Request for Public Comment on)
Proposed Rules for Mandatory) Order
Mediation in Certain Family)
Law Cases)

In February 2017 the supreme court requested public comment on a recommendation from the Family Law Case Processing Reform Task Force (Task Force) to develop uniform mediation requirements that would “[e]stablish a statewide mediation program for family law cases with opportunities for mediation and settlement conferences.” The Task Force noted Iowa legislation in 2000 that directed the supreme court to “establish a dispute resolution program in family law cases,” including development of mediation rules and standards and qualifications for court-appointed mediators. Since then, different mediation practices have evolved among the eight judicial districts, with varying rules and requirements across the state, including instances of differing practices from county to county within the same district.

The court’s 2017 request for public comment specifically asked for feedback on the following Task Force recommendation:

Implement a uniform requirement for mediation in advance of temporary order hearings and final trials in family law cases, with a waiver option for cases involving domestic violence or other good cause.

The court also sought comment on whether judicial districts should be allowed to continue their own mediation or judicial settlement conference practices rather than a uniform, statewide mandatory mediation program.

The court received many thoughtful and well considered comments both in support of and opposed to the concept of a statewide mandatory mediation framework for family law matters. After careful consideration during its 2017

administrative term, the court determined to proceed with developing a mandatory mediation framework and to refer the matter to Judicial Council consideration. The Judicial Council reviewed mediation practices across the districts and made recommendations to the court on policies to implement statewide.

Using the Judicial Council recommendations, supreme court and state court administration staff, working with family law attorney Lora McCollom, drafted the proposed Rules for Mandatory Mediation in Certain Family Law Cases. The mediation rules would be contained in a new chapter 15 of the Iowa Court Rules.

The proposed Rules for Mandatory Mediation in Certain Family Law Cases are provided with this order and are available on the judicial branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/>. In addition, copies of the proposed rules are available at the office of the Clerk of the Iowa Supreme Court.

Prior to taking further action, the supreme court seeks public comment on the proposed rules. This request for public comment does not imply that the court will adopt any proposed rule without further consideration.

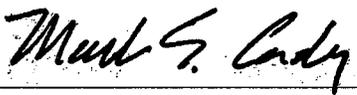
Any interested organization, agency, or person may submit written comments. Comments about a proposed rule change must refer to the specific rule number and line number (for example, rule 15.4(1), lines 13-16). Email comments must be sent to **rules.comments@iowacourts.gov**, must state **“Mandatory Family Law Mediation”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Iowa Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

The deadline for submitting comments is 4:30 p.m. on February 24, 2019.

Dated this 26th day of November, 2018.

The Supreme Court of Iowa

By 
Mark S. Cady, Chief Justice