

In the Iowa Supreme Court

CLERK SUPREME COURT

In the Matter of Resuming Family Law )  
Trials Postponed by COVID-19 )

Order

On May 22, 2020 the Iowa Supreme Court established the Jumpstart Family Law Trials Task Force to develop temporary policies and procedures for family law trials resuming following the COVID-19 postponements. On June 26, 2020 the Task Force submitted their recommendations to the court.<sup>1</sup> The court thanks the Task Force members for all of their hard work and dedication to the people of Iowa.

The court has considered the Task Force recommendations and continues to carefully monitor the public health situation created by the COVID-19 outbreak and its impact on Iowa’s justice system. Based on the Task Force recommendations, the court issues the following policies and procedures regarding the prioritization of family law cases and to ensure parties’ fundamental rights while protecting the health and safety of parties, court staff, attorneys, judges, and all Iowans who access the courthouse. Safety protocols are addressed by separate order.

**I. Clarification of the July 9, 2020 Case Priority Order**

With respect to the July 9, 2020 Case Priority Order, courts may schedule, hear, or handle cases with lower priority, including family law cases, before higher priority cases have been heard or handled if it reasonably appears the lower priority cases will not slow the hearing or handling of any higher priority cases. For example, if courts have openings in the schedule of short duration that would not accommodate a higher priority case but would accommodate a

<sup>1</sup> [Jumpstart Family Law Trials Report](#)

lower priority case, courts may schedule the lower priority case for those openings in the schedule that otherwise would go unfilled by any higher priority case. The priority given among family law cases to fill these openings in the schedule shall be based on the length of time the particular case has been on file, with cases on file the longest receiving scheduling priority.

## **II. Informal Family Law Trial Program for Self-Represented Litigants**

The Informal Family Law Program expedites the resolution of family law cases involving less complicated factual circumstances.<sup>2</sup> The 7<sup>th</sup> judicial district has piloted the Informal Family Law Program for over three years. All judicial districts shall implement the Informal Family Law Trial Program or a similar program to include all family law cases where both parties are self-represented. Consent of both parties is no longer required. The district court may allow a self-represented party to opt out of the informal trial program for good cause. By August 17, 2020, each judicial district shall report its plan to implement the Informal Family Law Trial Program or a similar program to the supreme court for approval.

## **III. Temporary Mandatory Mediation Procedures**

The judicial districts shall establish or continue procedures for mandatory mediation or mandatory judicial settlement conferences in all family law cases where at least one party is represented by an attorney. All Child Support Recovery Unit cases are exempt from this requirement.

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<sup>2</sup> [2019 Informal Family Law Pilot Project Report](#)

Judicial districts shall submit plans for their procedures for mandatory mediations or mandatory judicial settlement conferences by December 1, 2020.

District plans shall be implemented on or by March 1, 2021 absent good cause.

The procedures shall include:

1. Mediation or judicial settlement conference of all pending cases are to be completed within 90 days of issuance of the procedures (or a complete signed Stipulation resolving all issues must be filed within the 90 days);
2. Mediation or judicial settlement conference of all cases filed after the procedures are issued shall be completed within 120 days of filing (or a complete signed Stipulation resolving all issues must be filed within the 120 days);
3. Submission of Stipulations (partial or full) to the court within 30 days following conclusion of mediation or judicial settlement conference;
4. Submission of Mediation Reports in cases that are mediated;
5. Judicial settlement conferences and mediations may be conducted via video conference platforms or in-person;
6. Claims of domestic violence may render mediation inappropriate or warrant modifications to the mediation process (including use of video conferencing) to ensure safety;
7. Procedures for access to mediation, with consideration to fair distribution of cases where sliding scale or pro bono mediation must be undertaken by participating mediators.

#### **IV. Temporary Mandatory Mediation Statewide List**

By December 1, 2020, judicial districts shall provide a list of approved mediators to State Court Administration in the format required by State Court

Administration. The following information shall be included in the list: name, contact information, rates, and whether the mediator uses remote mediation, in person mediation or both. Parties may agree to use a mediator not on the statewide list.

Judicial officers are required to accept mediations from a mediator on the approved statewide mediator list or from a mediator agreed upon by the parties.

**V. Temporary Mandatory Mediation Report**

Within seven days of the completion of the mediation, an attorney, mediator, or party shall submit a mediation report to the district court. A mediation report form is required to be used and is attached to this order. Judges conducting settlement conferences are encouraged to submit or direct the parties to submit an equivalent report.

By December 1, 2020, state court administration shall prepare a standard data collection process for the mediation reports and settlement conference reports and success rates.


**VI. Judicial Discretion Regarding Video Conferencing in Non-Custodial Trials**

Non-custodial trials may be conducted by video conference, but not by telephone, and they may be held over the objection of a party, after an opportunity to be heard. Attorneys and self-represented litigants shall articulate in their objections the reasons constituting good cause for an in-person trial.

Custody trials may be held by video conference by consent of the parties. However, when the best interests of the child require court action regarding a

time-sensitive issue (e.g. determination of a school district for a child's enrollment where there is no agreement between the parents) the court shall have discretion to hold a hearing by video-conference.

THE SUPREME COURT OF IOWA

By   
Susan Larson Christensen, Chief Justice

Copies to:

Iowa Supreme Court  
Iowa Court of Appeals  
Chief Judges  
Senior Judges  
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District Associate Judges  
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The Iowa State Bar Association  
The Iowa State Association of Counties  
The Iowa State Sheriffs' and Deputies' Association  
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Iowa State Public Defender  
Iowa League of Cities  
Iowa State Police Association  
Iowa Peace Officers Association  
Iowa Department of Public Safety  
Iowa Association for Justice  
Iowa Defense Counsel Association  
Iowa Academy of Trial Layers  
Iowa Court Reporters Association  
Iowa Clerks Association  
Association of Corporate Counsel-Iowa Chapter  
Iowa Organization of Women Attorneys  
Thomson Reuters (Westlaw)  
Mead Data Central, Inc. (Lexis)  
Legislative Services Agency

*Family Law Mediation Report*

In the Iowa District Court for \_\_\_\_\_ County

*County where your case is filed*

Upon the Petition of

\_\_\_\_\_  
**Petitioner** *Full name: first, middle, last*

and concerning

\_\_\_\_\_  
**Respondent** *Full name: first, middle, last*

Equity case no. \_\_\_\_\_

**Family Law Mediation Report**

*Note: All party agreements contained in this Report are subject to the Court's approval.*

The parties have completed mediation and report to the Court the following:

**1. Parties' information**

A. Petitioner's birth year and present residence: \_\_\_\_\_  
*Birth year*

\_\_\_\_\_  
*Petitioner's present street address*      *City*      *State*      *ZIP code*

B. Respondent's birth year and present residence: \_\_\_\_\_  
*Birth year*

\_\_\_\_\_  
*Respondent's present street address*      *City*      *State*      *ZIP code*

**2. Children's information (if applicable)**

*Check one*

- Children are not involved in this case. *If you checked this box, skip to section 3(B).*
- Children are involved in this case. *If you checked this box, complete the below and proceed to section 3(A).*

If children are involved in this matter, complete the following:

First, middle, & last initials of each child	Birth year
1.	
2.	
3.	
4.	

*Check this box if you are attaching a separate sheet listing additional children.*

### 3. Resolved and outstanding issues

#### A. Matters pertaining to children

##### (1) Custody and visitation (or parenting time)

*Check all that apply*

- a.  Custody and visitation (or parenting time) are not issues in this case.
- b.  The parties agree on a custody and visitation (or parenting time) plan.

*Check one*

- 1.  The parties have attached an agreed upon plan addressing custody and visitation (or parenting time).
- 2.  The parties have attached an Agreed Parenting Plan (Rule 17.200—Form 229).
- c.  The parties do not agree on a custody and visitation (or parenting time) plan.
  - 1. Petitioner
    - Check one*
    - (a)  Petitioner has attached a proposed plan addressing custody and visitation (or parenting time).
    - (b)  Petitioner has attached a Proposed Parenting Plan (Rule 17.200—Form 230).
  - 2. Respondent
    - Check one*
    - (a)  Respondent has attached a proposed plan addressing custody and visitation (or parenting time).
    - (b)  Respondent has attached a Proposed Parenting Plan (Rule 17.200—Form 230).
- d.  Petitioner has filed a Children in the Middle certificate.
- e.  Respondent has filed a Children in the Middle certificate.

##### (2) Child support *See Iowa Code section 598.21B*

*Check all that apply*

- a.  Child support is not an issue in this case.
- b.  One or both parties have filed Child Support Guidelines Worksheets.

*Check all that apply*

- 1.  The parties jointly filed a Child Support Guidelines Worksheet.
- 2.  Petitioner filed a Child Support Guidelines Worksheet.
- 3.  Respondent filed a Child Support Guidelines Worksheet.

*Continued on next page*

- c.  The parties have discussed payment of child support.

*Check one*

1.  The parties agree that Petitioner shall pay child support to Respondent in the amount of \$ \_\_\_\_\_ per month.
2.  The parties agree that Respondent shall pay child support to Petitioner in the amount of \$ \_\_\_\_\_ per month.
3.  The parties agree on the following other arrangement:

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*Check this box if you have attached a sheet with additional information.*

4.  The parties cannot agree on the matter of payment of child support. Each party's position is as follows:

(a) Petitioner:

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*Check this box if you have attached a sheet with additional information.*

(b) Respondent:

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*Check this box if you have attached a sheet with additional information.*

(3) Tax exemptions for children

*Check one*

- a.  The matter of tax exemptions for the children is not an issue in this case.
- b.  The parties agree on tax exemptions for the children as follows:

*Check one for each child*

First, middle, & last initials of each child	Parent who should now claim child for tax exemption	Every Year	Even Years	Odd Years
1.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Check this box if you are attaching a separate sheet listing additional children.*

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- c.  The parties cannot agree on the matter of tax exemptions for the children. Each party's position is as follows:

1. Petitioner:

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Check this box if you have attached a sheet with additional information.

2. Respondent:

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Check this box if you have attached a sheet with additional information.

(4) Health care insurance and expenses *See Iowa Code section 598.21B*

*Check one*

- a.  The matter of the children's health care insurance and expenses is not an issue in this case.
- b.  The parties agree on the matter of the children's health care insurance and expenses. Complete *sections 1 and 2 below*.

1. Current insurance information:

Type of policy <i>Health, dental, vision, etc.</i>	Name of person/entity currently maintaining policy
(a)	
(b)	
(c)	

Check this box if you have attached a sheet with additional information.

2. Future insurance for children

- (a)  The parties agree that the current insurance information identified in section (3)(A)(4)(b)(1) above will remain in effect.
- (b)  The parties jointly request the Court adopt the following alternative arrangement:

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Check this box if you have attached a sheet with additional information.

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- c.  The parties cannot agree on the matter of the children's health care insurance and expenses. Each party's position is as follows:

1. Petitioner:

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Check this box if you have attached a sheet with additional information.

2. Respondent:

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Check this box if you have attached a sheet with additional information.

(5) Post-secondary educational subsidies *See Iowa Code section 598.21F*

- a.  The matter of contribution to the children's post-secondary educational subsidies is not an issue in this case.
- b.  The matter of the parties' contribution to the children's post-secondary educational subsidies is not yet ripe and the court will maintain jurisdiction of this matter.
- c.  The parties agree to the following on their contribution to the children's post-secondary educational subsidies:

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Check this box if you have attached a sheet with additional information.

- d.  The parties cannot agree on their contribution to the children's post-secondary educational subsidies. Each party's position is as follows:

1. Petitioner:

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Check this box if you have attached a sheet with additional information.

2. Respondent:

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Check this box if you have attached a sheet with additional information.

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**B. Financial information and the division of assets and debts**

**(1) Financial affidavits** *See Iowa Code section 598.13*

*Check all that apply*

- a.  Property division is not an issue in this case.
- b.  Petitioner has filed a Financial Affidavit in this case.
- c.  Respondent has filed a Financial Affidavit in this case.

**(2) Assets** *See Iowa Code section 598.21*

*Check one*

- a.  The division of assets is not an issue in this case.
- b.  The parties agree on the division of the parties' assets and have attached their agreement to this Report.
- c.  The parties cannot agree on the division of the parties' assets. Each party's position is as follows:

1. Petitioner:

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*Check this box if you have attached a sheet with additional information.*

2. Respondent:

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*Check this box if you have attached a sheet with additional information.*

**(3) Debts** *See Iowa Code section 598.21*

*Check one*

- a.  The division of debts is not an issue in this case.
- b.  The parties agree on the division of the parties' debts and have attached their agreement to this Report.

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- c.  The parties cannot agree on the division of the parties' debts. Each party's position is as follows:

1. Petitioner:

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Check this box if you have attached a sheet with additional information.

2. Respondent:

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Check this box if you have attached a sheet with additional information.

(4) Property settlement payment

*Check one*

- a.  Property settlement payment is not an issue in this case.
- b.  The parties agree that neither Petitioner nor Respondent will pay any money to the other.
- c.  The parties agree on the property settlement payment as follows:

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Check this box if you have attached a sheet with additional information.

- d.  The parties cannot agree on the property settlement payment. Each party's position is as follows:

1. Petitioner:

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Check this box if you have attached a sheet with additional information.

2. Respondent:

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Check this box if you have attached a sheet with additional information.

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C. Alimony (spousal support) *See Iowa Code section 598.21A*

*Check one*

- (1)  Alimony (spousal support) is not an issue in this case.
- (2)  The parties agree on alimony (spousal support) as follows:

*Check one*

- a.  Neither Petitioner nor Respondent pay alimony (spousal support) to the other.
- b.  Petitioner pays alimony (spousal support) to Respondent as follows:

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*Check this box if you have attached a sheet with additional information.*

- c.  Respondent pays alimony (spousal support) to Petitioner as follows:

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*Check this box if you have attached a sheet with additional information.*

- (3)  The parties cannot agree on the terms of alimony (spousal support). Each party's position is as follows:

- a. Petitioner:

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*Check this box if you have attached a sheet with additional information.*

- b. Respondent:

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*Check this box if you have attached a sheet with additional information.*

D. Attorney's fees

*Check one*

- (1)  The parties agree as follows:

*Check one*

- a.  Each party will pay their own attorney's fees.
- b.  Other *Explain*

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*Check this box if you have attached a sheet with additional information.*

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(2)  The parties cannot agree on attorney's fees. Each party's position is as follows:

a. Petitioner:

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Check this box if you have attached a sheet with additional information.

b. Respondent:

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Check this box if you have attached a sheet with additional information.

**E. Court costs**

*Check one*

(1)  The parties agree as follows:

*Check one*

- a.  Petitioner will pay all court costs.
- b.  Respondent will pay all court costs.
- c.  Petitioner and Respondent shall each pay one-half of the total court costs.
- d.  Other *Explain*

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Check this box if you have attached a sheet with additional information.

(2)  The parties cannot agree on court costs. Each party's position is as follows:

a. Petitioner:

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Check this box if you have attached a sheet with additional information.

b. Respondent:

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Check this box if you have attached a sheet with additional information.

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F. Other

*Describe any other terms, issues, or agreements that should be brought to the Court's attention.*

(1) Joint issues or agreements:

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*Check this box if you have attached a sheet with additional information.*

(2) Petitioner:

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*Check this box if you have attached a sheet with additional information.*

(3) Respondent:

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*Check this box if you have attached a sheet with additional information.*

**4. Trial preparedness**

A. Expected trial witnesses

(1) Petitioner's expected trial witnesses

<b>Witness's Name</b>	<b>Type</b> <i>Fact, expert, character</i>	<b>Anticipated manner of testimony</b> <i>Appearance in person, via videoconference, by deposition, etc.</i>
a.		
b.		
c.		
d.		
e.		
f.		

*Check this box if you have attached a sheet with additional information.*

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(2) Respondent's expected trial witnesses

Witness's Name	Type <i>Fact, expert, character</i>	Anticipated manner of testimony <i>Appearance in person, via videoconference, by deposition, etc.</i>
a.		
b.		
c.		
d.		
e.		
f.		

Check this box if you have attached a sheet with additional information.

B. Estimated trial duration

- (1)  The parties agree that they estimate the trial will last approximately \_\_\_\_ days.
- (2)  The parties cannot agree on the length of the trial. Each party estimates as follows:  
 Petitioner: \_\_\_\_\_ days  
 Respondent: \_\_\_\_\_ days

C. Status of discovery and readiness for trial

(1) Status report

*Check all that apply*

- a.  Neither party has propounded discovery.  
 b.  Discovery has been propounded.

*Check all that apply*

1.  Discovery is ongoing.  
 2.  There are unresolved discovery disputes.  
 3.  Discovery has been completed.
- c.  The parties are ready for trial.
- (2) Additional information concerning discovery or readiness for trial that the parties wish to bring to the Court's attention:

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Check this box if you have attached a sheet with additional information.

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**D. Attorney certification regarding video conference platform education**

*To be completed only by attorneys appearing in this case. Self-represented parties do not complete this section.*

**(1) Petitioner's counsel**

I certify that I have:

- a.  Participated in an attorney video conference education program prepared by the Iowa Judicial Branch Education Division.
- b.  Participated in a comparable attorney video conference education program prepared by: \_\_\_\_\_
- c.  Not participated in an attorney video conference education program.

**(2) Respondent's counsel**

I certify that I have:

- a.  Participated in an attorney video conference education program prepared by the Iowa Judicial Branch Education Division.
- b.  Participated in a comparable attorney video conference education program prepared by: \_\_\_\_\_
- c.  Not participated in an attorney video conference education program.

**E. Other trial matters**

One (or both) of the parties wish to bring the following issues or matters concerning the trial of this case to the Court's attention:

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*Check this box if you have attached a sheet with additional information.*

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**5. Oaths and signatures**

If a party is represented by an attorney, the attorney must sign the appropriate oath below. If a party is self-represented, that party must sign the appropriate oath below.

This Mediation Report addresses all legal issues remaining following the conclusion of the parties' mandatory family law mediation.

**A. Petitioner's or Petitioner Counsel's oath and signature**

I, \_\_\_\_\_, have read this Mediation Report, and I certify under  
*Print Petitioner's or Petitioner's Counsel's name*  
penalty of perjury and pursuant to the laws of the State of Iowa that the information I  
have provided in this Report is believed to be complete and accurate as far as  
information permits.

\_\_\_\_\_, 20\_\_\_\_\_  
*Month Day Year Petitioner's (or Petitioner's Counsel's) signature*

\_\_\_\_\_  
*Name of law firm, if applicable*

\_\_\_\_\_  
*Mailing address*

\_\_\_\_\_  
*City State ZIP code*

(\_\_\_\_\_) \_\_\_\_\_  
*Phone number*

\_\_\_\_\_  
*Email address Additional email address, if applicable*

**B. Respondent's or Petitioner Counsel's oath and signature**

I, \_\_\_\_\_, have read this Mediation Report, and I certify under  
*Print Respondent's or Respondent's Counsel's name*  
penalty of perjury and pursuant to the laws of the State of Iowa that the information I  
have provided in this Report is believed to be complete and accurate as far as  
information permits.

\_\_\_\_\_, 20\_\_\_\_\_  
*Month Day Year Respondent's (or Respondent's Counsel's) signature*

\_\_\_\_\_  
*Name of law firm, if applicable*

\_\_\_\_\_  
*Mailing address*

\_\_\_\_\_  
*City State ZIP code*

(\_\_\_\_\_) \_\_\_\_\_  
*Phone number*

\_\_\_\_\_  
*Email address Additional email address, if applicable*