

1 **CHAPTER 15**  
2 **IOWA RULES OF REMOTE PROCEEDINGS**

3  
4 **DIVISION I**  
5 SCOPE AND APPLICABILITY  
6

7 **Rule 15.101 Scope and applicability.** The rules in this chapter govern all  
8 remote and hybrid court proceedings unless another rule specifies otherwise or  
9 unless a statute provides different procedures for certain courts or cases.  
10

11 **Rule 15.102 In-person proceeding presumption.** Except as provided by  
12 statute or the rules of this chapter, all court proceedings are presumed to be  
13 held in person.  
14

15 **DIVISION II**  
16 DEFINITIONS  
17

18 **Rule 15.201 Definitions.** In this chapter:

19 **15.201(1) Participant.** “Participant” means judges, attorneys, parties,  
20 witnesses, court reporters, and any other person who may have an active role in  
21 a court proceeding.

22 **15.201(2) In-person appearance.** “In-person appearance” means participating  
23 in a court proceeding by being physically present in the courtroom.

24 **15.201(3) In-person proceeding.** “In-person proceeding” means a court  
25 proceeding in which all participants are physically present in the courtroom.

26 **15.201(4) Remote appearance.** “Remote appearance” means participating in a  
27 court proceeding using an Iowa Judicial Branch approved communications  
28 service.

29 **15.201(5) Remote proceeding.** “Remote proceeding” means a court proceeding  
30 in which all participants appear using an Iowa Judicial Branch approved  
31 communications service.

32 **15.201(6) Hybrid proceeding.** “Hybrid proceeding” means a court proceeding  
33 in which one or more but fewer than all participants appear using an Iowa  
34 Judicial Branch approved communications service and others are physically  
35 present in the courtroom.

**Remote Proceedings Task Force  
Proposed Rules of Remote Proceedings**

Public comment period: July 10 through August 3, 2023

**DIVISION III**

GENERAL PROVISIONS

**Rule 15.301 Remote participant requirements.**

**15.301(1)** *Participant decorum.* The inherent power of the court to regulate the conduct of persons in the courtroom applies to remote proceedings. Participants appearing remotely must conduct themselves as if they were appearing in the courtroom in person.

**15.301(2)** *Judge's location for remote and hybrid proceedings.* A judge may participate in a proceeding by remote appearance subject to the requirements of Iowa Code section 602.6105.

**15.301(3)** *Iowa Judicial Branch Remote Proceedings Toolkits.* Participants in remote or hybrid proceedings must comply with directives contained in the Iowa Judicial Branch Remote Proceeding Toolkits, available from the Iowa Judicial Branch website at [www.iowacourts.gov](http://www.iowacourts.gov).

**15.301(4)** *Represented party's in-person attendance.* If a represented party appears in person at a proceeding, the party's attorney must also appear in person at the proceeding unless the party consents to the attorney's remote appearance or unless the court finds good cause exists for the attorney to appear remotely.

**15.301(5)** *Reported remote or hybrid proceedings.* For any remote or hybrid proceeding where a court reporter is transcribing the proceeding or the proceeding is being recorded, each remote participant must be located in a quiet area free from distractions and interruptions that could disrupt the proceeding.

**Rule 15.302 Motion for remote, hybrid, or in-person appearance or proceeding.**

**15.302(1)** *Motions for remote, hybrid, or in-person appearance or proceeding.* Any party may request by motion to appear remotely at a proceeding or to appear in person at a previously ordered remote or hybrid proceeding. Any party may also request by motion that an entire proceeding be conducted remotely or that a previously ordered remote or hybrid proceeding be conducted in person.

**15.302(2)** *Contents of the motion.* The motion must include specific grounds supporting the party's request. It must also certify that the filer of the motion has in good faith communicated or attempted to communicate with all other

**Remote Proceedings Task Force  
Proposed Rules of Remote Proceedings**

Public comment period: July 10 through August 3, 2023

1 affected parties to determine whether the motion is unresisted, that such  
2 communication was not feasible under the circumstances, or that such  
3 communication is prohibited by prior court order.

4 **15.302(3)** *On court's own motion.* The court on its own motion may order that  
5 one or more participants appear remotely or in person.

6 **15.302(4)** *Court's consideration of motion.* In ruling on a motion under rule  
7 15.302, the court must on a case-by-case basis consider the following factors:

8 a. Ability of participants to appear remotely and fully participate in the  
9 proceeding.

10 b. Timeliness of the motion and resistance, if any, including whether there is  
11 sufficient time to provide all parties with reasonable notice of the court's  
12 decision.

13 c. Case type and type of court proceeding.

14 d. The court's schedule.

15 e. Number and location of participants and anticipated length of proceeding.

16 f. Complexity of legal and factual issues.

17 g. Whether the proceeding requires a formal record or whether any party has  
18 requested the proceeding to be reported.

19 h. Nature and amount of evidence to be submitted during the proceeding.

20 i. Agreement among or objection by parties.

21 j. Parties' and nonparty participants' English proficiency or need for interpreter  
22 or translator assistance.

23 k. Whether use of remote or hybrid technology will undermine the dignity,  
24 solemnity, decorum, integrity, fairness, or effectiveness of the proceeding.

25 l. A participant's previous abuse of a method of appearance.

26 m. Public access to the proceeding and potential increase in access to the  
27 courts.

28 n. Any other factor or combination of factors that establishes good cause to  
29 grant or deny the motion.

30 **15.302(5)** *Court's consideration of motion in criminal proceedings.* In ruling on  
31 a 15.302 motion in criminal proceedings, the court must also consider the  
32 factors in Division IV of this chapter.

33 **15.302(6)** *Court's consideration of motion in juvenile proceedings.* In ruling on  
34 a 15.302 motion in juvenile proceedings, the court must also consider the factors  
35 in Division V of this chapter.

**Remote Proceedings Task Force  
Proposed Rules of Remote Proceedings**

Public comment period: July 10 through August 3, 2023

1     **15.302(7)** *Court’s consideration of motion in family law proceedings.* In ruling  
2 on a rule 15.302 motion in family law proceedings, the court must also consider  
3 the factors in Division VI of this chapter.

4     **15.302(8)** *Court’s order.*

5     *a.* The court must consider a rule 15.302 motion based on the filings and  
6 without a hearing unless the court finds good cause for holding a hearing on the  
7 motion.

8     *b.* If the court permits or requires a participant to appear remotely, the court  
9 must provide reasonable notice of the remote or hybrid proceeding.

10    *c.* If the court permits or requires a participant to appear remotely or  
11 determines that the entire proceeding will be held remotely, the court must  
12 include in its order:

13       (1) A list of all participants permitted or directed to appear remotely if the  
14 proceeding will be a hybrid proceeding.

15       (2) Instructions for joining the remote proceeding.

16    **15.302(9)** *Public access.*

17     *a.* If the court orders a public proceeding to be held remotely, the proceeding  
18 remains open to the public.

19     *b.* If a proceeding open to the public is held as a hybrid proceeding, members  
20 of the public who wish to view the proceeding may do so in person, and the court  
21 may permit members of the public to view the proceeding remotely.

22     *c.* Participants may not share with any member of the public the means to  
23 participate in a remote or hybrid proceeding that is closed to the public.

**DIVISION IV**

**CRIMINAL PROCEEDINGS**

24  
25  
26    **Rule 15.401 Criminal proceedings generally.** The rules in this division apply  
27 to all criminal proceedings.

28    **Rule 15.402 Defendant request to be excused from remote appearance.** A  
29 defendant may file a request to be excused from appearing remotely for a  
30 proceeding or the entirety of the case if the defendant will not be able to  
31 participate remotely. A request must state with specificity why the defendant is  
32  
33  
34

**Remote Proceedings Task Force  
Proposed Rules of Remote Proceedings**

Public comment period: July 10 through August 3, 2023

1 unable to participate remotely. If granted, the defendant must appear in person  
2 subject to Iowa Rules of Criminal Procedure 2.27(1)–(3).

3  
4 **Rule 15.403 Court’s consideration of rule 15.302 motion in criminal**  
5 **proceedings.**

6 **15.403(1) Additional factors.** In ruling on a rule 15.302 motion, the court must  
7 also consider the following factors:

8 a. Whether a participant has a constitutional or statutory right to an in-person  
9 proceeding or in-person appearance.

10 b. Whether the defendant has waived speedy trial.

11 c. Whether the court has excused the defendant from remote participation.

12 **15.403(2) Additional considerations.** When a party files a motion under rule  
13 15.302, the court must give added weight to conducting a proceeding in person  
14 or remotely as follows:

15 a. In-person proceeding.

16 (1) Arraignment.

17 (2) Pretrial conference.

18 (3) Status conference.

19 (4) Case conference.

20 (5) Trial.

21 (6) Guilty plea.

22 (7) Sentencing.

23 b. Remote proceeding. All proceedings during which testimony is not expected.  
24

25 **DIVISION V**

26 **JUVENILE PROCEEDINGS**

27  
28 **Rule 15.501 Juvenile proceedings generally.** The rules in this division apply  
29 to all juvenile proceedings.

30  
31 **Rule 15.502 Court’s consideration of rule 15.302 motion in juvenile**  
32 **proceedings.**

33 **15.502(1) Additional factors.** In ruling on a rule 15.302 motion, the court must  
34 also consider the following factors:

35 a. Location of any out-of-home placement of the juvenile.

**Remote Proceedings Task Force  
Proposed Rules of Remote Proceedings**

Public comment period: July 10 through August 3, 2023

1     *b.* Possible trauma caused to the juvenile.

2     *c.* Availability and location of families.

3     *d.* Safety of any proceeding participant.

4     *e.* Juvenile’s preference.

5     *f.* Whether the juvenile has a constitutional or statutory right to an in-person  
6 proceeding or in-person appearance.

7     **15.502(2)** *Additional considerations.* When a party files a motion under rule  
8 15.302, the court must give added weight to conducting a proceeding in person  
9 or remotely as follows:

10    *a.* In-person proceeding.

11       (1) Contested or evidentiary proceeding.

12       (2) Termination of parental rights hearing.

13       (3) Removal hearing.

14       (4) Adjudication hearing.

15       (5) Disposition hearing.

16       (6) Permanency hearing.

17       (7) Detention hearing.

18       (8) Modification hearing.

19    *b.* Remote proceeding.

20       (1) Uncontested hearing.

21       (2) Detention hearing in which the child has waived in-person appearance.

22       (3) Review hearing.

23       (4) Status conference.

**DIVISION VI**

FAMILY LAW PROCEEDINGS

24  
25  
26  
27  
28 **Rule 15.601 Family law proceedings generally.** The rules in this division  
29 apply to all family law proceedings.

30  
31 **Rule 15.602 Court’s consideration of rule 15.302 motion in family law**  
32 **proceedings.** When a party files a motion under rule 15.302, the court must give  
33 added weight to conducting a contested or evidentiary proceeding in person.