

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: IMPLEMENTATION OF
INFORMAL FAMILY LAW TRIAL
PROGRAM

ADMINISTRATIVE ORDER 2020-67

CLERK DISTRICT COURT

2020 OCT -8 AM 10:39

FILED
POLK COUNTY, IA

As part of its supervisory order dated July 9, 2020 regarding the resumption of family law trials, the Iowa Supreme Court directed all judicial districts to implement an informal family law trial program for those family law cases in which both parties were self-represented. This program was piloted by the Seventh Judicial District, and has served to expedite the processing and resolution of such cases in that district. The Fifth Judicial District has submitted its plan for this program, which has been approved by the court. Accordingly, that program will go into effect on January 1, 2021. The salient features of the program include the following:

1. Cases in which both parties are self-represented will follow the procedures set forth in the Family Law Case Requirements Order currently in place, through the pretrial conference. It would be at the pretrial conference that potential qualifying cases could be identified. Only cases in which contested issues for trial have been identified will be put into the informal family law trial program.
2. Those cases that are included in the program would still be subject to the requirement that mediation or ADR be utilized. However, this would be in the form of a judicially-supervised settlement conference in an attempt to reduce costs for the parties and to facilitate discussion on contested issues in an effort to avoid trial. It is hoped that senior judges could be used as much as possible to facilitate these settlement conferences. In addition, these conferences could be handled by videoconference.
3. Those cases that are not settled would be scheduled for trial; that trial would incorporate the expedited procedures utilized by the Seventh Judicial District during the time it piloted its program. These procedures include the following:
 - a. Cases would be set for trial in increments of one (1) hour, one-half (1/2) day, or one (1) day;

- b. Participation in Children in the Middle and Iowa Center for Children's Justice (formerly Kids First) will still be required, where applicable;
 - c. The rules of evidence will not apply to these cases, except as deemed necessary by the trial judge for the timely and efficient presentation of evidence;
 - d. The evidence at trial will be limited to the testimony of the parties and up to two (2) witnesses per party. Each party may also present up to five (5) affidavits from persons who would otherwise be called as witnesses; up to two (2) expert witness reports can be submitted in lieu of affidavits. An expert report would be counted toward the five (5) affidavit limit. Any affidavits or reports shall be filed with the court at least five (5) days in advance of trial.
 - e. The trial court will be responsible for all questioning of witnesses, and may consult with the parties concerning areas of inquiry. If Child Support Recovery is involved as an interested party, its counsel may be allowed to question parties or witnesses on matters necessary to determine the proper amount of child and medical support.
 - f. The trial court may dispense with findings of fact, except as necessary to support a deviation from the child support guidelines calculations.
 - g. The parties and the court shall continue to utilize the forms for self-represented litigants found in chapter 17 of the Iowa Court Rules, as well as the decree forms for cases with and without children.
4. Court administration and the clerks of court within the Fifth Judicial District shall be responsible for the implementation of the docketing and scheduling called for by the creation of the informal family law trial program consistent with the directives in this order, in consultation with the chief judge.

Dated this 8th day of October, 2020.


MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
State Court Administrator, Todd Nuccio
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website