

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

IN RE: ADMINISTRATION OF POLK COUNTY JUVENILE COURT AND FIFTH DISTRICT JUVENILE JUDGE DESIGNATION

ADMINISTRATIVE ORDER 2023-30

1. Administration: The Chief Judge of the Fifth Judicial District shall be responsible for the administration of the Polk County Juvenile Court. Under the supervision of the Chief Judge, the judges, District Court Administrator and Juvenile Court Case Coordinator shall be responsible for case management and scheduling for Juvenile Court; the Polk County Clerk of Court shall be responsible for all docketing and records management for Juvenile Court; and the Chief Juvenile Court Officer shall be responsible for juvenile supervision and court services. Juvenile Court Services shall not perform CINA intake services in Polk County. Juvenile Court Services shall perform delinquency intake services as required by Iowa Code Sections 232.28 and 232.35.

2. Polk County Juvenile Court Dockets. The following dockets are hereby confirmed as having been created for the processing of Juvenile Court cases in Polk County:

- JV1: Judge Rachael Seymour, Room 250
- JV2: Judge Susan Cox, Room 260
- JV3: Judge Lynn C.H. Poschner, Room 230
- JV4: Judge Brent Pattison, Room 210
- e: JV5: Judge Romonda Belcher, Room 220
- f: JV6: Judge Kimberly Ayotte, Room 240
- g: JV7: Judge Erik Howe, Room 280

All 5A, 5B and 5C District Court Judges, District Associate Court Judges, and Senior Judges, when available from their regular assignments, may be assigned to preside over juvenile court proceedings in Polk County.

3. Equalization of Caseload: The Juvenile Case Coordinator shall continue to assign all CINA, delinquencies, commitments, Chapter 232 TPR cases, and juvenile guardianships to establish and maintain the equalization of the caseload of the juvenile dockets.

4. Case Management: The case management principles of the Fifth Judicial District shall apply to Polk County Juvenile Court. All hearing dates shall be considered firm. Continuances shall not be granted unless the continuance is necessary for the protection of the

child, for accumulation or presentation of evidence or witnesses, to protect the rights of a party, or for other good cause shown on the record. Judges shall make an effort to ensure that all hearings shall be heard in one continuous session as a recognized and primary best practice.

Judges may impose strict time limits on hearings to conclude them within the scheduled time in accordance with current and evolving standards for procedural due process. Judges shall file all orders with the Clerk of Court on a timely basis via EDMS. The clerk shall docket all orders on EDMS in a timely manner to keep the caseload current for statistical purposes.

5. Case Scheduling: Judges and court attendants shall schedule hearings on EDMS with the Juvenile Case Coordinator specifically scheduling detention hearings and other initial hearings such as pre-trial conferences. Judges, court attendants and court administration shall manage the schedule according to the administrative parameters set out above to avoid scheduling conflicts of counsel. Ordinarily, hearings will not be set during the assigned Judge's scheduled vacation, educational leave or other absence. However, short or unanticipated absences may be covered by other judges assigned to the Juvenile Court, or if unavailable, by the District Associate Court Judge or Court Administration as needed. District Associate Court Judges assigned to Juvenile Court shall not cover other non-juvenile DAJ dockets, with the exception of weekend jail court duty, absent exigent circumstances. Judges covering in the absence of another juvenile judge shall schedule hearings through the Juvenile Case Coordinator or specific court attendant assigned to that juvenile docket.

6. Records Management: All pleadings, orders, and other documents required by law to be filed in juvenile proceedings shall be filed with the Clerk of Court via EDMS. The Clerk shall docket all pleadings, orders, exhibits and other matters on the EDMS system in a timely fashion. All delinquency, CINA, Chapter 232 TPR and Adoptions following Chapter 232 TPR cases shall be indexed on EDMS by the Case Coordinator. Private TPR and Adoptions under Iowa Code Chapters 600 and 600A shall be assigned to the district court family law docket, except for good cause or if leave is granted by Court Administration. Judicial by-pass proceedings and commitment hearings shall be assigned by the Case Coordinator in a manner to ensure equalization of the caseload.

7. Ex Parte Filings (Non-EDMS): The County Attorney shall present an application to the assigned judge and obtain a hearing date. If the assigned judge is unavailable, another judge assigned to Juvenile Court may sign a removal order, but the case shall remain on the docket of the assigned judge. If the application is disapproved, the Judge shall so note in writing on the

application presented. During regular business hours, the Polk County Attorney shall file CINA petitions and/or modifications under Iowa Code Chapter 232 and Applications for Ex Parte No-Contact Orders under Chapter 232 with the Clerk of Court. Upon filing, the Clerk shall docket said application and assign a JV number to the case. The Case Coordinator will assign and index the case to the docket of the judge. After regular hours and on weekends and holidays, "on call" Judges may sign removal or other emergency orders. However, police officers also have authority in accordance with the Iowa Code to do emergency removals. On the next business day, the County Attorney shall file the application, the Clerk shall follow the above procedure and the case shall remain on the docket of the assigned judge.

The Case Coordinator shall schedule removal and commitment hearings on all Juvenile Court dockets on an equalized basis.

8. Delinquency (Including Detention) Procedures: During regular business hours Monday through Friday, the County Attorney shall file delinquency petitions with the Clerk of Court no later than 10:00 a.m. for same day detention hearings and before 3:45 p.m. for next day hearings. Upon filing, the Clerk of Court shall docket said petition, open the court file, and assign a JV number. The Juvenile Case Coordinator shall then assign a juvenile judge. Initial detention hearings shall be held at 1:00 pm or 8:15 am, whichever is required by Code. Hearings shall be set Monday-Friday the day immediately following the date of detention. The Case Coordinator shall then index the case to the assigned docket and notify the county attorney. Special consideration shall be given to setting all other hearings involving juveniles in detention as early in the day as possible to alleviate the burden of transport.

Juvenile Court Services shall notify all parties, except the youth's attorney, of the detention hearing date, time and place, and notice shall specifically take place by 1 p.m. for any next day 8:15 a.m. hearing. Court administration shall notify the youth's attorney of the same.

Counsel and all parties shall personally appear for detention hearings, and counsel shall consult with clients before the scheduled hearing time. Judges shall address other matters whenever possible in order to avoid the scheduling of unnecessary future hearings.

9. Domestic Abuse: The Polk County Clerk of Court shall refer Petitions for Relief from Domestic Abuse against a child who is seventeen (17) years old or younger to the Juvenile Court Case Coordinator for assignment to the juvenile court dockets on an equalized basis. The assigned Juvenile Court Judge shall conduct an expedited ex parte first round domestic abuse proceeding pursuant to Iowa Code §236.4(2) to determine whether a Temporary Protective Order shall issue.

If a Temporary Protective Order is issued, the Court shall schedule a second-round hearing on the Petition for Relief From Domestic Abuse not less than five (5) days and not more than fifteen (15) days after the commencement of the proceedings on the docket of the assigned Juvenile Judge pursuant to Iowa Code §236.4(1). If the Juvenile Court issues a Temporary Protective Order against a defendant who is seventeen (17) years old or younger, the Court shall appoint a Guardian Ad Litem for the defendant pursuant to section 10(c)(1) of this Order. If the Juvenile Court issues a Final Protective Order or Protection Order by Consent Decree, the Juvenile Court shall retain jurisdiction over the action for purposes of enforcement of the protective order.

10. Appointment of Counsel: In order to assure compliance with Iowa Code §§13B.9 (5) and 815.10(1), judges shall coordinate the appointment of counsel in juvenile cases through court administration. All appointment of counsel notices shall include the date, time and place for the next scheduled hearing. The Juvenile Court Case Coordinator shall appoint counsel pursuant to the following protocols.

a. Protocol for appointment of contract attorneys: Contract attorneys shall be appointed to represent indigent parties in juvenile cases on a rotational or equalization basis. The Case Coordinator shall maintain records of calls and court appointments. The Case Coordinator shall maintain an updated list of contract attorneys. The Case Coordinator shall contact attorneys for appointment in alphabetical order as they appear on the list. Contract attorneys shall make themselves available to the Case Coordinator for appointment or shall authorize a representative of their office to accept an appointment on their behalf. If, when called by the Case Coordinator, an attorney is unavailable, has not authorized a representative to accept the appointment, or does not return the Case Coordinator's call within a reasonable time frame, the Case Coordinator shall note this on the record and contact the next attorney on the list. If a contract attorney is unavailable for three calls in succession, the attorney may be deleted from the appointment list by court administration. In addition, if an attorney fails to appear for a scheduled hearing and/or does not follow the standards of conduct as set forth in the Iowa Rules, the attorney may be removed from the list. Emergency appointments of counsel may be made by judges. On re-opened cases, or new cases with siblings or a new delinquent charge of a child already in the system, the Case Coordinator shall appoint the previous or current attorney assigned to the case to assure continuity in the attorney/client relationship. When this occurs, this shall be noted on the record of

appointments and taken into account in the rotation of appointments to assure equalization of appointments. Appointment of counsel is a personal appointment. The attorney accepting an appointment agrees to be personally present at all hearings.

b. Protocol for Appointment in New Delinquency Cases: Pursuant to Iowa Code §13B.9, the Case Coordinator shall appoint the Juvenile Public Defender in all new delinquency cases, with the Youth Law Center appointed to the first co-defendant; other co-defendants shall be appointed a contract attorney in accordance with the protocols outlined herein. The Juvenile Public Defender or Youth Law Center attorney assigned to the case shall file an appearance within five (5) business days of the appointment. If the Juvenile Public Defender withdraws due to a conflict of interest or because of a temporary overload of cases, the JPD shall contact the Youth Law Center for appointment. If the Youth Law Center withdraws due to a conflict of interest or because of a temporary overload of cases, the Case Coordinator shall contact a contract attorney for appointment in accordance with the protocol set forth in paragraph 10(a) above.

c. Protocol for Appointment in New CINA cases:

(1) For Appointment of Guardian Ad Litem: Pursuant to Iowa Code §815.10, the Case Coordinator shall assign appointments as Guardian Ad Litem for children in CINA cases to the YLC and contract attorneys on an alternating basis. In the event there are multiple cases involving more than one child, only one GAL shall be appointed per family.

(2) For Appointment of Attorneys for Parents: The Case Coordinator shall appoint the Juvenile Public Defender to represent an indigent parent. Any subsequent appointments for other parents shall be to contract attorneys in accordance with the protocols set forth, that is, alphabetical with the goal of equalization of appointments.

d. Determination of Indigence and Confirmation of Appointment: At the earliest opportunity following appointment of counsel by the Case Coordinator, the Court shall review the party's affidavit of financial status and application for appointment of counsel and either confirm the appointment by court order or disqualify counsel.

e. Miscellaneous provisions.

(1) The Des Moines Juvenile Public Defender office may continue to withdraw from any case based upon conflict or case overload.

- (2) The Des Moines Juvenile Public Defender office may withdraw directly to the Youth Law Center or Middleton Center for Children's Rights in a delinquency proceeding if not already a party to the proceeding,
- (3) In a CINA or TPR, the Des Moines Juvenile Public Defender office may withdraw directly to the Youth Law Center if the parent is age 25 years or younger.
- (4) The protocol for appointment outlined in this order is not applicable to any appointments made pursuant to currently existing juvenile specialty courts in Polk County; the prior appointment process for these courts shall continue.
- (5) The protocol for appointment outlined in this order shall not affect any appointment prior to October 1, 2021.
- (6) The Middleton Center for Children's Rights may contact the court periodically to request additional appointments. When such a request is made, it should be given preference to satisfy that request.

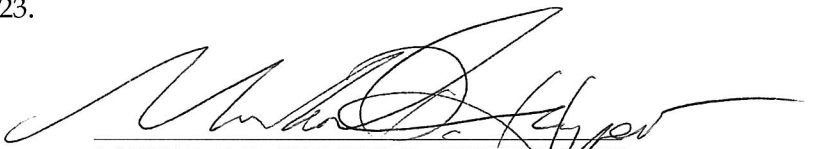
11. Iowa Department of Health and Human Services and Juvenile Court Services Reporting Requirements and Contested Hearing Notices: For all Child-in Need of Assistance cases, the assigned Iowa Department of Health and Human Services staff member shall file reports pursuant to Iowa Code Section 232.97 no later than seven (7) calendar days before the date of the pending hearing. For all delinquency cases, the assigned Juvenile Court Officer shall file required reports with the Court no later than seven (7) calendar days before the date of the pending hearing. Amendments or supplements to such reports shall be permitted and should be filed as soon as possible.

12. Posted Schedules: A daily posting of each juvenile courtroom's docket shall identify the time and first and last initial of the child(ren)'s name. The schedule shall not indicate the type of proceeding being held.

13. Protocol for Juveniles Waived to Adult Court: All Juveniles in which a waiver to adult court has been entered will have the initial appearance held in front of the Juvenile Judge that presided over the waiver hearing. The Judicial Assistant shall contact the Clerk of Court with a copy of the waiver order and the petition and a criminal case will be immediately opened. The Clerk will initiate the template for the Initial Appearance; the Judicial Assistant will present the financial affidavit for appointment of counsel and prepare the waiver of preliminary hearing if needed. If arraignment is set on a misdemeanor offense, then the Judicial Assistant will also contact the Jail Case Coordinator for an in custody arraignment date. For waiver hearings taken under advisement, a hearing shall be set on the same judge's calendar and the above process followed. For direct files, refer to Administrative Order 2011-14.

14. Effective Date: January 2, 2024. This order shall supersede all previous administrative orders and directives concerning the administration of Juvenile Court. This order may be amended as necessary to reflect continuous improvement in the quality of the Polk County Juvenile Court.

Dated this 29th day of September, 2023.


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, Bob Gast
Fifth Judicial District Judges, Staff and Stakeholders by e-mail
Kimberly Graham, Polk County Attorney
Valorie Wilson, Adult Public Defender
Matthew Sheeley, Juvenile Public Defender
Jerry Evans, Department of Corrections
Chief Juvenile Court Officer, John Hawkins
Polk County Clerk of District Court, Anne Sheeley
Polk County Attorney's Office, Andrea Vitzthum
Polk County Div. Iowa Department of Health and Human Services
Youth Law Center, Jami Hagemeyer
Drake Law School Children's Rights Clinic

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FIFTH JUDICIAL DISTRICT COURT