

DEC 21 2023  
FIFTH DISTRICT  
COURT ADMINISTRATION

## IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: IN-PERSON AND REMOTE  
DETENTION HEARINGS

ADMINISTRATIVE ORDER 2023-40

Amending 2022-3

In June of 2022, Administrative Order 2022-3 was entered. While this order primarily dealt with procedures for coordinating transport and escorting juveniles to and from detention hearings, it did contain the following language in paragraph 3:

Judges are strongly encouraged to conduct Detention Hearings (initial hearings and reviews) via videoconference, which will help avoid the need for transport and shackling procedures.

While this language appears to be contrary to the statutory directive in Iowa Code §232.44(1)(d) that “[t]he child shall appear in person at the [initial detention hearing],” it was intended to maintain an earlier policy that was premised on the notion that appearing by videoconference met the requirements for an in-person appearance. As remote proceedings have become more prevalent, and with the adoption of Chapter 15 of the Iowa Court Rules governing remote proceedings, the language in paragraph 3 of Administrative Order 2022-3 is no longer appropriate and should be modified. See IowaR.Remote P. 15.201(2) and (3) (“in-person” appearance or proceeding requires physical presence in the courtroom).

Accordingly, that language is stricken and replaced with the following:

Whether a detention hearing shall be held in person or remotely shall be governed by the applicable authorities on that issue, including but not limited to Iowa Code §232.44(1)(d) and Chapter 15 of the Iowa Rules of Remote Procedure. An initial detention hearing held pursuant to Iowa Code §232.44(1) shall require the personal presence of the child pursuant to Iowa Code §232.44(1)(d), unless the child waives their presence at the hearing, as authorized by Iowa Rule of Remote Procedure 15.503(2)(b), and a motion for a remote or hybrid proceeding is made pursuant to Iowa Rule of Remote Procedure 15.302. The court may still require the physical presence of the child upon consideration of the other factors in Iowa Rule of Remote Procedure 15.503 when ruling on the 15.302 motion.

This order shall go into effect on January 1, 2024.

Dated this 21<sup>st</sup> day of December, 2023.



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HEATHER LAUBER, ASSISTANT 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  
District Court Administrator, Marques Wilson  
5C Juvenile Judges  
Chief Juvenile Court Officer, John Hawkins  
Polk County Sheriff's Office, Chief Pilch  
Juvenile Case Scheduler  
5C Clerk of Court, Anne Sheeley  
Kimberly Graham, Polk County Attorney  
Polk County Attorney's Office, Andrea Vitzthum  
Valorie Wilson, Adult Public Defender  
Matthew Sheeley, Juvenile Public Defender  
Michelle Dix, Department of Corrections  
Polk County Div. Iowa Department of Health and Human Services  
Youth Law Center, Jami Hagemeyer  
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