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Bench Guide for COVID-19 March 20, 2020 10 am

As new information becomes available this document will likely change to reflect those developments. The following are some suggestions for moving forward based on the current circumstances and Chief Justice Christensen's Supervisory Orders of [March 12, 2020](#) and [March 17, 2020](#).

We are interested in hearing any of your concerns. Please feel free to email Judge Bill Owens (william.owens@iowacourts.gov) with any concerns you may have.

CINA proceedings (including termination proceedings)

- Hearings that are set between now and May 4, 2020 should either be continued until after May 4, or should ONLY be conducted by video or phone conferencing.
- Uncontested hearings should use remote technology such as skype or Go To Meeting.
- For contested hearings such as a contested adjudication hearing or termination hearing, a written waiver of personal appearance by both parents, and agreement by the Guardian ad Litem should be obtained before proceeding with a remote hearing.
- In child welfare cases with DHS involvement where there are court orders requiring face to face family interactions, DHS and FSRP providers shall comply with CDC and IDPH guidelines to mitigate the spread of coronavirus/COVID-19. While face to face interactions are preferred, remote family interactions are appropriate when necessary to comply with CDC and IDPH guidelines. If concerns regarding coronavirus/COVID-19 impede efforts for face-to-face family interaction, judicial officers should consider allowing efforts by DHS and FSRP to provide family

interaction using alternative means including, but not limited to, telephone and/or video conferencing.

Guardianship cases

- Iowa Code §§ 232D.306 and 633.560 requires a hearing within twenty days of the filing of a petition; that time period may be shortened, but not extended.
- Iowa Code §§ 232D.309 and 633.659 (emergency appointment of temporary guardian) require a hearing within seven days and do not provide for an extension.
- Those statutes do not expressly provide that those hearings must be in person.
- These hearings could be held remotely, especially if all parties in writing consent to remote proceedings.
- The required reports may continue to be filed through EDMS but, if those filing the reports lack access to EDMS and have sought a waiver of that requirement, through coordination with the clerk's office they may mail the reports and have them scanned by the clerk's office. This will reduce foot traffic in the courthouse.

Delinquency cases

- For petitions that have been filed, but haven't had an admit/deny, the March 14, 2020 administrative order allows written pleas in felony cases until April 20.
- This also allows written pleas in juvenile cases to be accepted until April 20.
- You can use the same forms used in district associate or district court.
- If written pleas are filed, disposition hearings may be scheduled AFTER May 4, 2020.
- If there is a current delinquency case that is set for trial those dates should be reset for a time after May 4, 2020.
- Per the March 17, 2020 administrative order, the speedy trial was not waived, the ninety-day deadline and the one year deadline shall be restarted with April 20, 2020 as day 1.
- Delinquency review hearings, disposition hearings, and change of disposition hearings may continue to be considered on a case by case basis - but only if the child agrees in writing to waive personal appearance so the hearing can be conducted using technology.

Juvenile Court Services

- We are asking Juvenile Court Services staff to maintain regular and meaningful contact with youth under their supervision.
- Given the prolonged stress and difficulty that youth and families will experience from this event, we are encouraging Juvenile Court Services staff and service providers to have consistent and substantive contact with youth and families to help mitigate the effects.
- This includes youth in the community as well as in foster group care, shelter, supervised apartment living, and the Boy's State Training School.
- While we are having to restrict in person meetings to mitigate the risk of transmission, we are working to enhance our phone and video conferencing capabilities.
- We are also exploring innovative ways to "lay eyes on" youth in an effort to ensure the health and safety of youth, families, JCS staff and the community.
- Prior to scheduling in person meetings, JCS staff will pre-screen participants for elevated risk of transmitting the coronavirus. Service providers are also implementing the same precautions to mitigate the risk of transmission and need to have flexibility to use alternate methods of communication with youth.

Emergency cases

- These are removals, detention hearings, shelter hearings, hospitalization hearings, proceedings under Chapter 135L for waiver of parental notification, and domestic/sexual abuse protective order matters.
- These may be conducted in-person, but also permit remote proceedings.
- After a removal order has been granted, counsel should be appointed for parents right away so they can meet with their client and assist in making arrangements for remote participation in the removal hearing.
- For domestic abuse/sexual abuse relief cases, the clerk should copy in the county attorney so they can make contact with the applicants to see if they have arranged for their own counsel or are asking for the county attorney to appear with them. The court can make arrangements so those hearings can occur in as safe a way as possible.

FYI Only: DHS Status as of 3pm on 3/18

Today, Chief Justice Christensen and DHS Director Garcia spoke. Below is information from DHS about the status of their priorities, policies, contracts. They caution that the information is constantly changing so please use their website as a resource for the most up to date information: <https://dhs.iowa.gov/COVID19>.

- Safety plan services: These are core critical services. There are no modifications of the contract requirements but DHS is strongly encouraging people to follow CDC guidelines.
- Family visitations: This is still going on but trying to balance the safety of one population versus possible exposure of another population. DHS will encourage the use of hand sanitizer and CDC guidelines within reason. For example, they are not going to prohibit a toddler from sitting in their parent's lap.
- Residential care: DHS encourages a closed campus and daily temperature screening of staff. Youth are still allowed home visits.
- Scattered site: DHS encourages telephone or video contact in lieu of face to face visit. DHS encourages an increase in frequency of contact and is developing a script of core questions (e.g. mental health and impact of social isolation).
- The federal government, for the first time ever, is allowing contact by video conference for kids in foster care to count as a face to face visit. It must be video. A telephone only contact does not count as a face to face visit.
- Drug testing: DHS is ending in home drug testing and continuing with limited testing in the community. Only the person being tested can come into the lobby and only one at a time. They are also temporarily limiting drug testing to child abuse assessments, not ongoing cases—they don't have the capacity to do more.
- After care and parent partner: DHS will allow liberal use of video and phone interactions.
- State Training School: DHS is worried about limiting exposure to virus. An option on the table is to suspend admissions. Chad Jensen, Director of Juvenile Court Services, encouraged DHS to contact detention directors to discuss.
- Due to the amount of staff on paid administrative leave, DHS staffing levels are critical.
- There is no prohibition on parent visits with children.

- There will be structured communication between the judicial branch and DHS. Please share any issues with Kathy Thompson or Chad Jensen.