

**IN THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IOWA**

<b>IN THE MATTER OF</b>	)	
<b>THE SEVENTH JUDICIAL DISTRICT'S</b>	)	<b>ADMINISTRATIVE ORDER</b>
<b>COMBINED ORDER REGARDING</b>	)	<b>No. 2020-10</b>
<b>COVID-19 PROCEDURES</b>	)	
	)	

Pursuant to the Covid-19 pandemic and April 2, 2020 Supervisory Order of the Iowa Supreme Court, this District incorporates all of the provisions of the Supreme Court's Order. Further, this Court now issues this Order to define how various court matters are being handled in the 7<sup>th</sup> Judicial District. Please review this Order carefully as many things have changed as this pandemic has continued to evolve. The purpose of this Order is to combine all previous orders and procedures we have established during this pandemic. This Order's purpose is to keep the public safe and keep our employees as safe as possible by eliminating interaction between the two groups.

**EMERGENCY/ESSENTIAL MATTERS:**

The Clerk's offices remain open for the public to come in for emergency orders such as domestic abuse protective orders, involuntary commitments, and removal of children from home, etc. Those are the only matters for which we want the public, including attorneys, to enter the courthouse.

**CRIMINAL:**

**Felony and Misdemeanor sentencing hearings** will be held telephonically, via video-conferencing<sup>1</sup> or in writing. For felonies, the county attorney, defendant's attorney and defendant must participate if the hearing is telephonically or done by video-conferencing. The defendant must sign a waiver of personal presence at or prior to the sentencing hearing or

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<sup>1</sup>Throughout this Order, video-conferencing is referenced, which means use of Go To Meeting or video from a jail.

acknowledge on the record (telephone or video-conference) he/she waives his/her personal presence at the sentencing hearing if he has not filed a written waiver. Misdemeanor sentencings can be done like they have traditionally been done as long as they are in writing. No parties or attorneys should appear in person.

**Felony and Misdemeanor pleas** shall all be done in writing. Forms have been developed for written guilty pleas.

**Bond reviews** shall be done by telephone or video-conferencing.

**Felony status conferences** will not be held until further notice.

**Felony pretrial conferences** for felony jury trials will not be held until further notice.

**Felony probation violations shall be done in writing or continued.** A form has been developed for handling a probation violation in writing. If there is a question on the disposition, that shall be set for a sentencing hearing, and the sentencing shall be done either via telephone, video-conferencing or in writing.

**Felony arraignments shall be done via EDMS.** If an arraignment has not been filed when due, then it should be continued for one week and if not done at that time, a warrant can be issued.

**Motions to Withdraw, Criminal Motions for New Attorneys** shall be done by telephone or video-conferencing. Defendant will need to file a waiver of personal presence or agree on the record the matter can be heard telephonically or via video-conferencing. Defendant must be personally present either on the telephone or via video-conferencing.

**Substantive criminal motions** (suppress, dismiss, in limine, etc.) will be continued to a date closer to the trial date, if practical. If they are heard during this COVID-19 pandemic, they shall be heard telephonically or via video-conferencing. Defendant must be personally present on the telephone or via video-conferencing.

**Preliminary Hearings** shall be conducted via telephone or video-conferencing.

**Initial appearances or arraignments** can be waived by defendant and the waiver does not need to be under oath.

**Presentence Investigation Reports** may be shared with defendants in advance of sentencing, notwithstanding Iowa Code section 901.4.

**Criminal Court Debt** delinquency has been suspended by the Governor. In addition, the Judicial Branch has set up a state-wide telephone system for people to call to make payments electronically on their court debt obligations.

**CIVIL:**

**Final Domestic Abuse Order hearings** will be held telephonically or through the use of video-conferencing.

**CSRU Contempt hearings** shall all be continued. There may be 8:30 a.m. or 9:00 a.m. CSRU matters, but if so, they will only be done if all parties, including the CSRU participate via telephone or-video conferencing.

**Family Law trials** will be continued to begin no sooner than June 15 unless they can be conducted telephonically or through the use of video-conferencing with the judge's approval.

**Motions to Quash Garnishments** will be held telephonically or through the use of video-conferencing.

**8:30 Matters** shall be done by telephone or video-conferencing.

**Specialty courts** will be done via telephone or by video-conferencing, if at all.

**Motions (set for ADJ)**, and other criminal or civil motions shall be done via telephone or video-conferencing. Some of these may need reporting if required by the Judge or requested by a party. A party can make a request for the matter to be reported in writing. The Judge should contact Court Administration if a motion needs reporting.

**Post Conviction Relief** cases shall all be done with all parties participating via telephone or video-conferencing. The Applicant's attorney is responsible for contacting the Applicant and/or his/her place of incarceration to set up and place the telephone call. The attorneys shall also appear by telephone.

**Estates, guardianships and conservatorships** orders shall all be done via EDMS.

**Foreclosures** filed on residential, commercial or agricultural real property located in Iowa cannot be accepted and will be rejected by the Clerk's office. Prosecution of ongoing foreclosure proceedings is stayed.

**Summary Judgment Motions** on cases other than real property foreclosures can be filed, and the court will set these for hearing if necessary or decide the matter from the pleadings. However, any trial in this type of case cannot be held until at least June 15, 2020 if non-jury and August 3, 2020 if jury trial. If the matter is a foreclosure on residential, commercial or agricultural real property located in Iowa, the court cannot continue to prosecute any previously filed foreclosures as stated in the Foreclosures paragraph above.

**Adoptions** can be done by telephone or video-conference. If the parties want to wait and have the adoption in person, they can continue it out by approximately four (4) months.

**Motions to Lift No Contact Orders** by the Protected Party shall be done in writing. No hearing is necessary. A judge will review the motion and response, if any, from the County Attorney. The motion should be filed and tickled by the Clerk's office to allow the County Attorney ten (10) days to either resist or agree in writing. Once that time has passed, the motion should be put in the Judges Combined Queue for consideration by a judge.

**Motion to Lift Domestic Protective Orders** by the Protected Party shall be done in writing and put in the Judges Combined Queue for a judge to consider. There is no need to wait for any other party to respond.

**Children in the Middle Online Courses** required by Iowa Code §598.15 can be done using an approved online course. For cases which have not yet complied with §598.15, but should, they also can use an approved online course. The order with the online courses will be provided in all new cases and cases which have not yet completed CIM.

**Civil Settlement Conferences** will not be held; however, parties and counsel can still continue to work on resolving issues without court intervention.

**Iowa Rule of Probate Procedure 7.6** is temporarily suspended concerning the delinquency of final reports and attorney discipline in delays to estate closures.

**Traffic-related proceedings** shall be rescheduled to a date no earlier than June 1 unless a jury trial is requested, then it shall be no earlier than July 13.

**Forcible entry and detainer** proceedings, other than a clear and present danger or fraud, shall be continued to a date no earlier than June 15 or conducted by telephone at the discretion of the magistrate or other judicial officer.

**JUVENILE:**

**Juvenile non-delinquency matters** shall be continued to a date no earlier than June 15 or conducted with the parties and/or participants appearing by telephone or video-conferencing at the discretion of the court.

**Juvenile Delinquency** matters shall be subject to the provision of the Supreme Court's order regarding criminal proceedings.

**ASSOCIATE COURT and MAGISTRATE COURT:**

Each Associate Court and Magistrate Court in our District have developed their own practices and procedures. I have been providing those to the Bar Presidents when they change and will continue to do so.

**SUMMARY:**

This Order merely supplements the Supreme Court's April 2, 2020 Order. Please refer to that Order for jury trial dates, speedy trial dates, statutes of limitations tolling and all other matters contained therein.

I thank everyone for their patience and cooperation during this novel and difficult time. As things continue to develop and possibly change, I will keep you up to date.

DATED: April 6, 2020.

**ALL ABOVE IS SO ORDERED.**

/S/  
MARLITA A. GREVE  
CHIEF JUDGE  
7<sup>TH</sup> JUDICIAL DISTRICT