

FILED

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The Iowa Supreme Court

In the Matter of the Establishment)
and Operation of the Informal) Order
Family Law Trial Pilot Project)

CLERK SUPREME COURT

A. Introduction.

In May 2016, the Iowa Supreme Court Family Law Case Processing Reform Task Force (Task Force) submitted its report to the Iowa Supreme Court for its consideration during the 2016 Administrative Term. The Task Force suggested creation of a pilot project to implement and assess an informal trial procedure for use in certain family law actions. The Supreme Court establishes the Informal Family Law Trial pilot project in the Seventh Judicial District comprising Cedar, Clinton, Jackson, Muscatine, and Scott Counties. The pilot project will operate according to the parameters set forth in this order.

B. Purpose.

Informal trial procedures in certain family law actions should expedite resolution of cases involving less complicated factual circumstances and thus allow additional judicial time dedicated to cases involving more complicated factual circumstances. The option to proceed with an informal trial should provide greater court transparency, better uniformity, and clearer expectations for the parties, particularly for self-represented litigants. More efficient resolution of relatively uncomplicated family law cases will allow parties to move forward with their lives sooner. Differentiated scheduling for informal trials should allow better management of limited judicial resources, as additional scheduling time will be available for more complicated family law cases and possibly for other components of the trial court docket.

C. Scope.

The Informal Family Law Trial pilot project will be implemented in all five counties in the Seventh Judicial District. The pilot project will operate for a sufficient time period to allow a reasonable period of evaluation and adjustment, after which the supreme court can determine whether the program should be established on a permanent state-wide basis. Initial implementation and review will be under the oversight of Chief Judge Marlita Greve and Seventh Judicial District Court Administrator Kathy Gaylord.

D. Specialized Procedures.

Both parties, self-represented or by counsel, must consent and opt into the Informal Family Law Trial process. Either party, or the court, may remove the case from the Informal Family Law Trial process at any time up to and including the pretrial or settlement conference. After the pretrial or settlement conference, only the court may remove the case from the Informal Family Law Trial process for good cause or upon a party's motion and after hearing.

1. *Pretrial Procedures.*

Cases in the Informal Family Law Trial pilot project are subject to the same pretrial procedures that apply to cases not involved in the pilot project, including but not limited to hearings on temporary custody, visitation, child support, and spousal support, as well as pretrial or settlement conferences.

Cases in the pilot project will be set for trial in increments of one (1) hour, one-half (1/2) day, or one (1) day.

In cases involving custody of children, the requirements of section 598.15 of the Iowa Code remain applicable.

2. *Discovery.*

Pilot project cases will be subject to the mandatory discovery disclosure requirements of Iowa Rule of Civil Procedure 1.500(1)(d). No additional or

formal discovery will be allowed without leave of court on motion and after hearing.

3. *Trial.*

The Iowa Rules of Evidence will not apply to pilot project cases, except as the trial court may determine to be necessary for the timely and efficient presentation of evidence for the court's determination of the issues raised.

The evidence at trial will be limited to the testimony of the parties and up to two (2) witnesses per party. In addition, each party may present up to five (5) affidavits from persons who otherwise would be called as witnesses. Each party may present up to two (2) reports of expert witnesses in lieu of live testimony of such witnesses. An expert witness report will count as one of the five (5) affidavits allowed per party. All affidavits and reports intended to be presented in lieu of testimony at trial must be filed with the court and copies provided to the other party at least five (5) days before the date of trial.

The trial court will direct all questions to witnesses during trial. The judge may consult with the parties or their counsel concerning areas of relevant inquiry, except that counsel for the Child Support Recovery Unit may question the parties or witnesses on topics necessary to the proper determination of the issues of child and medical support.

The trial proceedings will be reported.

The trial court, in the exercise of discretion, may dispense with findings of fact, except as are necessary to support a deviation from child support guidelines calculations pursuant to chapter 9 of the Iowa Court Rules.

4. *Modification.*

Modification of these procedures may be made during the course of the Informal Family Law Trial pilot project by Chief Judge Marlita Greve and the District Court Administrator of the Seventh Judicial District as may be

necessary to for operation of the Informal Family Law Trial pilot project.

E. Evaluation.

The State Court Administrator will annually evaluate the Informal Family Law Trial pilot project in consultation with Chief Judge Marlita Greve and the District Court Administrator of the Seventh Judicial District and report to the supreme court during its next administrative term.

Dated this 14th day of February, 2017.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice