

To: All Iowans
From: Iowa Judicial Branch
Re: Judicial Branch Operations Summary
Date: March 30, 2020

During these unprecedented and ever-changing circumstances, we thought it would be helpful to provide regular public updates on the steps we have taken to provide essential services to Iowans while still trying to protect the health of judicial branch employees and mitigate the spread of coronavirus/COVID-19. The plan is to send out an update every Monday morning or as circumstances dictate. Our updates are intended in part to address questions the Iowa Judicial Branch has received.

Reference Materials:

[Supreme Court March 12, 2020 Supervisory Order](#)
[Supreme Court March 13, 2020 Supervisory Order on Juvenile Court Services](#)
[Supreme Court March 14, 2020 Supervisory Order](#)
[Supreme Court March 16, 2020 Supervisory Order on OPR](#)
[Supreme Court March 17, 2020 Supervisory Order](#)
[Guidance to Juvenile Court Judges, March 20, 2020](#)
[Governor Reynolds March 26, 2020 proclamation](#)
[Supreme Court March 27, 2020 Supervisory Order on OPR](#)
[Supreme Court March 28, 2020 Supervisory Order](#)

Summary:

Courthouse Access: Chief Judges are working with each county to ensure that the public can access Clerk of Court offices and courtrooms for the procedures explained in the March 17, 2020, order. If you need to access the Clerk's Office, please call the office first so that you can follow the procedures that are in place. Phone numbers are listed in the [Clerk of Court phone directory](#) on the judicial branch website. Do not visit the Clerk's Office or the courthouse in person if you are feeling ill or if you are subject to a quarantine.

Child custody/visitation orders:

On March 28, the court clarified that for purposes of child custody, care, and visitation, existing parenting schedules should be followed as if there were no school closures or suspensions. In other words, changes in the school schedule resulting from COVID-19 are not considered extended spring break or early summer vacation and do not result in changes in the parenting schedule.

This does not prevent both parents from mutually agreeing on changes.

Here is the complete language from the order:

For purposes of determining a parent’s right of physical custody, care or visitation to a child under a previously entered court order, any custody, visitation or care schedule that is related to a school schedule shall be uniformly interpreted to refer to the school schedule for the school where the child attends that was in place prior to any school closure or suspension caused by the COVID-19 virus. Custody, care or visitation of a child shall follow a schedule as if school is in session and shall not be impacted or modified by the school closure. A school closure caused by the COVID-19 virus does not extend or modify a parent’s custody, care or visitation beyond any period designated in a prior court order. A school closure caused by the COVID-19 virus does not amount to an extension of spring break or the beginning of summer break. A parent currently exercising custody, care or visitation of a child in violation of a court order should immediately return the child to the original court ordered schedule.

Nothing contained in this order prevents both parents of a minor child from mutually agreeing to modify a previous court order. Nothing contained in this order prevents a court from altering, amending, modifying, clarifying or enforcing court orders within its sound discretion and consistent with the law of this State. Further, this order does not limit the ability of the court to hear and address emergency matters on a case-by-case basis in the discretion of the court.

Court debt: We have implemented section 31 of the governor’s March 26th proclamation that states: “Pursuant to Iowa Code §§ 29C.6(6) and 135.144(3), and in conjunction with the Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code § 602.8107 to the extent court debt is deemed delinquent if not paid within thirty days after the date the debt was assessed, the date set out in a court order, or the date due in an installment agreement, and the case assigned by the Iowa Judicial Branch to a third party for collection. Nothing in this section shall be construed as relieving any individual of their obligation to make payments of court debt once assessed. Suspension of these provisions shall apply during the duration of this Proclamation or any future extension of this suspension.”

Payment of fines and fees: The judicial branch has multiple ways for Iowans to pay court fines and fees. More information is on the judicial branch website: <https://www.iowacourts.gov/announcements/judicial-branch-offers-multiple-options-for-paying-court-fines-and-fees-during-the-coronavirus-pande/>

Signature on civil court documents: On March 28, the court ordered that under certain circumstances, civil court documents to be signed under oath or with verification or notarization may be signed using an electronic signature.

The court has also ordered that under certain circumstances, civil court documents to be signed by the client may be signed electronically by the attorney with the client's authorization.

Here is the complete language from the order:

The court temporarily amends rule 16.305(3) of the Iowa Rules of Electronic Procedure to allow a person to sign a civil court document electronically with “/s/” followed by the person's typed full name, or with “/person's name/.” If the document is a civil court form that includes the signature block of identifying information, including the person's address, telephone number, and email address, that information must be provided with the electronic signature. See Comment to Iowa Ct. R. 16.305(4).

Attorneys are temporarily permitted to sign civil court documents for their clients with “/s/” if the attorney has received oral verification from the client that (a) the client desires to sign the document, (b) the client authorizes the attorney to sign on the client's behalf, and (c) the client understands that the signature will bind the client as if the client personally signed the document. Such a signature binds the client as if the client signed the document personally. This temporary permission also applies to notices of appeal in termination-of-parental-rights and child-in-need-of-assistance cases. See Iowa Ct. R. 6.012(1)(a).

A notary public signature cannot be electronic “/s/” or “/person's name/.” Notaries public are encouraged to follow the Iowa Secretary of State's March 25, 2020 media release and any updated releases since that date. This temporary amendment of rule 16.305(3) is limited to civil matters only, including notice of appeal filings brought under chapter 232.

Court forms revision to eliminate mandatory notarization: To minimize in-person interactions when possible, the court has reviewed court forms published in the Iowa Court Rules and court forms published to the judicial branch website to eliminate notarization requirements where permitted. Please see paragraph 5 in the court's March 28th order for a complete list of forms.

Criminal trial postponements: On March 28, the court ordered that the 90-day speedy trial clock and the one-year speedy trial clock will not start running on any criminal case until April 20. In other words, April 20 will be Day 1. This applies to all criminal indictments or informations that have been filed as of that date.

Please feel free to share any concerns or questions you may have with Anna Stoeffler (anna.stoeffler@iowacourts.gov), Chief Justice Christensen's Senior Law Clerk. Ms. Stoeffler is regularly reviewing these communications and assembling and forwarding information to the Chief Justice.

The Iowa Judicial Branch sincerely appreciates the professionalism and patience from attorneys, law enforcement, county attorneys, public defenders and all Iowans who access the courts in their communities.