

To: All Iowans
From: Iowa Judicial Branch
Re: Judicial Branch Operations Summary
Date: May 26, 2020

The court filed three supervisory orders over the past week.

The first order is an omnibus order that replaces all previous supervisory orders relating to the spread of the novel coronavirus/COVID-19 in their entirety except for the April 6, 2020 juvenile justice order. This omnibus order is designed to provide a timetable for the resumption of more normal court operations.

The second order replaces the 2009-2010 supervisory orders regarding the types of cases and duties to which judges, magistrates, clerks, and other employees should afford priority.

The third order establishes the Jumpstart Family Law Trials Task Force.

Reference Materials:

[Supreme Court Supervisory Order Court Services, May 22, 2020](#)

[Supreme Court Supervisory Order Case Priorities, May 22, 2020](#)

[Supreme Court Supervisory Order Jumpstart Family Law Trials Task Force, May 22, 2020](#)

[Supreme Court Supervisory Order Jumpstart Jury Task Force, May 6, 2020](#)

[Supreme Court Supervisory Order Bar Exam, May 6, 2020](#)

[Supreme Court Supervisory Order on Child Welfare and Juvenile Justice, April 6, 2020](#)

Summary:

Clerk of Court Offices: Clerk's offices will continue with their current policies regarding public access and staffing. If you need to access the clerk's office for emergency and essential matters, please call the clerk of court's office first so that you are provided with 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.

Emergency Matters: District courts shall continue conducting criminal matters and emergency matters that cannot be continued or conducted by videoconference or telephone as in-person business.

New Dates for Resumption of Non-Emergency In-Person Court Proceedings:

- July 13, 2020: criminal and civil non-jury trials, non-delinquency juvenile matters, non-jury traffic-related proceedings, in-person appellate oral arguments, chapter 36 professional regulation hearings, and forcible entry and detainer proceedings.
 - Nonjury trials and non-delinquency juvenile matters may commence in accordance with case priorities before this date in specific counties if the county courthouse is open to the public and court operations in that county meet recommended COVID-19 safety protocols as established by state court administration.
 - This timing is intended to enable the state court system to meet COVID-19 public safety protocols and to coordinate our reopening timetable with the timetable of the counties whose facilities we share.
- September 14, 2020: jury trials will resume.

Encouragement to Conduct Civil Court Business Remotely: The court strongly encourages courts, parties, and attorneys to continue to conduct civil court business using videoconference or telephone when feasible. District courts may conduct civil nonjury trials by videoconference or telephone conference with the parties' consent, and they may accept testimony by videoconference or telephone with the parties' consent or when otherwise authorized by law.

New Deadline for Service of Process: For all original notices to be served in accordance with Iowa Rules of Civil Procedure 1.302, 1.305, or 1.306, if the deadline for the original notice falls between March 23, 2020 and July 13, 2020, the serving party is granted through July 13, 2020 to complete service.

Good-Cause Speedy Trial Extensions: Any criminal case in which an indictment or information has been or is filed prior to September 14, 2020, the ninety-day deadline in rule 2.33(2)(b) and 2.33(2)(c) shall be expanded to 120 days, and shall be restarted with September 14, 2020 as Day 1. For any case in which an indictment or information has been or is filed prior to September 14, 2020, the one-year deadline in rule 2.33(2)(c) shall commence from June 22, 2020 or the date of filing, whichever is later.

Other Criminal Provisions: Through December 31, 2020, various pretrial criminal proceedings may be conducted by videoconference or telephone and certain procedures exist by which defendants may waive their presence.

Mediation: The court provides the district court with discretion to continue or direct any mediation to occur by videoconference or telephone if the mediation

is set to occur at a courthouse location before July 13, 2020.

Suspension of Iowa Rule of Probate Procedure 7.6: The court suspends the operation of Iowa Rule of Probate Procedure 7.6 concerning the delinquency of final reports in estate closures through December 31, 2020.

Forcible Entry and Detainer (FED) Proceedings: Until in-person hearings resume, non-emergency forcible entry and detainer proceedings may be conducted by videoconference or telephone at the discretion of the magistrate or other judicial officer.

- **New Required FED Form:** Any plaintiff bringing an FED action under chapter 648 for nonpayment of rent after the date of this order shall submit a CARES Act verification in a form approved by this court. The form and instructions are attached to the court's May 22, 2020 order on the resumption of court services. This form is intended to assist the court in determining whether an eviction complies with the federal CARES Act.
- **FED Legal Clarifications:** The court clarified that the requirement of a hearing within 15 days under Iowa Code section 648.5(1) is not jurisdictional, and that it is not a bar to an FED action being heard if the court is unable to hear the action by the deadline established in section 648.5(1) for scheduling reasons or to comply with the state and federal moratoria. The court clarified that section 648.18 regarding peaceable possession does not apply where the plaintiff could not have initiated proceedings under chapter 648 due to a state or federal moratorium.

The Prioritization of Cases and Duties: The court's May 22, 2020 prioritization order replaces previous orders and establishes that cases and duties that judges, magistrates, clerks, and other employees should prioritize. In general, cases are prioritized in the following order:

1. **Emergency Matters.** These include case types such as criminal warrants, substance abuse commitments, mental health commitments, dependent adult abuse, elder abuse, relief from sexual assault, emergency removal orders in juvenile cases, relief from domestic abuse, and injunctive relief involving an imminent threat of serious harm to health or safety.
2. **Criminal Trials.** Courts should give priority to criminal trials and the highest priority to those criminal cases in which the defendant is in custody and has not waived the right to speedy trial.
3. **Other Trials.** Courts should exercise their judgment and give primacy based on the facts and circumstances of each case.

Jumpstart Family Law Trials Task Force: The court established this Task

Force to develop temporary policies and procedures for safely resuming family law trials following the COVID-19 postponements.

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.