FILED
MAY 22 2020
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Prioritization of Cases and Duties	)))	**Supervisory Order**

The supreme court approves the following list of cases and duties to which judges, magistrates, clerks and other employees should afford priority and those to which they should not afford any priority for purposes of scheduling, hearing and handling cases and performing other duties.[1]

GENERAL PRIORITIES

1. Emergency Matters. The highest priority shall be given to emergency matters in case types such as substance abuse commitments (chapter 125), waiver of parental notification of abortion (chapter 135L), mental health commitments (chapter 229), dependent adult abuse (chapter 235B), elder abuse (chapter 235F), relief from sexual assault (236A), emergency removal orders in juvenile cases (chapters 232 and 232B), relief from domestic abuse (chapter 236), injunctive relief involving an imminent threat of serious harm to health or safety, and criminal warrants.

2. Priority Cases.

a. Criminal Cases. The next priority are cases involving criminal charges. The highest priority criminal cases are those cases in which the defendant is in custody and has not waived the right to speedy trial.

b. Other Cases. The next priority shall be given to the following list of priority cases. Within these cases, judges, magistrates and staff should exercise their judgment and give primacy based on the facts and circumstances of each case.

- Civil commitment cases under chapters 125 and 229

[1]This supervisory order replaces those entered on December 1, 2009 and February 4, 2010 in their entirety.

- Actions to obtain protective orders under chapters 236, 236A and 235F
- Dependent adult abuse cases under chapter 235B
- Juvenile cases under chapter 232 and 232B, including child in need of assistance, termination of parental rights, and juvenile delinquency
- Cases involving child custody, physical care, visitation, and child support
- Guardianship cases, including public guardians under chapter 231E and minor guardianships under chapter 232D
- Motions to quash garnishment under chapter 642
- Forcible entry and detainer proceedings under chapter 562A where the tenant poses a clear and present danger
- Orders to vacate the homestead under chapter 598.33
- Proceedings regarding violations of protective orders or no-contact orders under chapter 664A
- Civil injunctions to restrain harassment or intimidation of victims or witnesses under chapter 915
- Other cases involving a threat of serious harm to health or safety, or the restriction of an individual's liberty

3. Cases Not Given Priority. Within the list of cases that are not given priority, judges, magistrates, and staff should exercise their judgment and give primacy based on the facts and circumstances of each case.

- Dissolution of marriage not involving children
- Foreclosure actions
- Civil actions for recovery of money damages
- Small claims
- Administrative appeals under chapter 17A
- Probate other than guardianships
- Other law and equity cases

MAGISTRATE PRIORITIES

(*Matters are listed in descending order of priority.)*

This list shall apply to district judges and district associate judges when exercising jurisdiction of magistrates. Magistrates should ensure continuous

accessibility to clerks, law enforcement, court personnel, mental health personnel and lawyers. See Iowa Code § 602.6105(3). These "on-call" duties range from high priority cases down to very routine matters of the lowest priority. Magistrates should attempt to comply with all statutory and rule-based timelines to the extent reasonably feasible. However, these timelines may give way to pending matters of greater priority.

- Emergency hospitalizations or detentions. *See* Iowa Code §§ 229.22 and 125.91 (requiring immediate attention when contacted).
- Arrest and search warrant applications. *See* Iowa Code §§ 804.1 and 808.3.
- Initial appearances. *See* Iowa R. Crim. P. 2.2(1) (requiring initial appearance without unnecessary delay after arrest); Iowa R. Crim. P. 2.1(2)(d) (defining unnecessary delay as unexcused delay longer than 24 hours).
- Noncompliance hearings for sobriety and drug monitoring program. *See* Iowa Code § 901D.9 (requiring hearing within 24 hours if in custody).
- Involuntary hospitalization and commitment hearings. *See* Iowa Code §§ 229.11 and 125.81 (requiring hearing within 5 days if immediate custody is ordered).
- Hearings regarding alleged violations of protective orders or approved consent agreements. *See* Iowa Code §§ 236.11 and 236A.12 (requiring appearance not less than 5 days nor more than 15 days after the initial appearance).
- Elder abuse hearings. *See* Iowa Code § 235F.5 (requiring hearings not less than 5 days nor more than 15 days after commencement of proceedings).
- FED hearings. *See* Iowa Code § 648.5 (requiring hearing within 8 days of petition or within 15 days if plaintiff consents).
- Preliminary hearing. *See* Iowa R. Crim. P. 2.2(4)(a) (requiring hearing within 10 days of initial appearance if in custody).
- Preliminary hearing. *See* Iowa R. Crim. P. 2.2(4)(a) (requiring hearing within 20 days of initial appearance if not in custody).

- Mental health and substance abuse hearings without immediate custody.
- Simple misdemeanor and traffic trials. *See* Iowa R. Crim. P. 2.64 (requiring trial at least 15 days after plea is entered).
- Small claims hearings. *See* Iowa Code § 631.5 (requiring hearing not less than 5 days nor more than 20 days after the latest timely appearance).
- Entry of small claims defaults and rulings.
- Routine matters including issuance of citations and periodic involuntary hospitalization reports if no change in placement required.

CLERK OF THE IOWA DISTRICT COURT PRIORITIES

(*Matters are listed in descending order of priority.*)

Clerks should attempt to comply with all statutory and rule-based timelines to the extent reasonably feasible. However, these timelines may give way to pending matters of greater priority.

- Emergency matters.[2] This category includes the mandated and practical urgent processing of applications/petitions and subsequent orders and warrants on matters which maintain the immediate health, welfare, and safety of the public.
- Accounting and depositing of receipts
- Criminal—felony and indictable misdemeanor
- Mental health and substance abuse commitments
- Juvenile
- Equity—child custody only
- Child support, including cases filed by CSRU
- Adoption, conservatorship, guardianship
- Criminal—simple misdemeanor excluding scheduled violations and non-scheduled traffic
- Equity—other than child custody
- Law cases
- Small claims

[2]"Emergency Matters" is defined in paragraph 1.

- Criminal—simple misdemeanor, scheduled violations and non-scheduled traffic
- Probate
- Seized property
- Name change
- Check monthly "filings" statistical reports

THE SUPREME COURT OF IOWA

By

Susan Larson Christensen, Chief Justice

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