FILED
MAR 31 2020
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Ongoing Provisions for Coronavirus/COVID-19 Impact on Court Services	))))	**March 31, 2020 Order (replaces the March 28, 2020 order)**

The March 28, 2020 order the Iowa Supreme Court issued is replaced in its entirety to remove reference to "Ch. 3—Form 3.23: Release and Satisfaction of Judgment" and to change the Iowa Court Rule reference of "2.32" to "2.37" in the list of forms on page 3 of the original order.

The Iowa Supreme Court has previously issued supervisory orders relating to the spread of the novel coronavirus/COVID-19. The Iowa Judicial Branch continues to carefully monitor this public health situation, recognizing the need to take additional measures to reduce the spread of the virus, while also continuing to fulfill its mission and keep necessary court functions accessible to the public during this time of crisis. Accordingly, the supreme court directs as follows pursuant to its available legal authority, including Article III, section 1 and Article V, section 1 of the Iowa Constitution.

1. **Criminal trial postponements.** The court continues to find that the COVID-19 outbreak constitutes good cause within the meaning of Iowa Rule of Criminal Procedure 2.33 for any trial postponements. Expanding on its previous supervisory orders of March 12 and March 17, 2020, the court orders that for any case in which an indictment or information has been filed prior to April 20, 2020, the ninety-day deadline and the one-year deadline in rules 2.33(2)(*b*) and 2.33(2)(*c*) will be restarted with April 20, 2020, as day 1.

2. **Original notices.** For all original notices to be served in accordance with Iowa Rules of Civil Procedure 1.302, 1.305, or 1.306, and where the deadline for the original notice falls between March 23, 2020, and April 16, 2020, the serving party is granted through May 18, 2020, to complete service

(30 days after Iowa's State of Public Health Disaster Emergency is set to expire).

3. **Iowa Rule of Probate Procedure 7.6.** The court temporarily suspends the operation of Iowa Rule of Probate Procedure 7.6 concerning the delinquency of final reports and attorney discipline in delays to estate closures.

4. **Signature on civil court documents—Iowa Rule of Electronic Procedure 16.305(3).** 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.

5. **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. The following forms are updated to remove notarization language not required by statute. The forms also include certification language consistent with Iowa Code section 622.1 with insertion of "signed under penalty of perjury" language where necessary.

- Petition for Relief from Domestic Abuse
- Petition for Relief from Domestic Abuse on Behalf of a Minor
- Petition for Relief from Domestic Abuse on Behalf of a Ward
- Affidavit to Start Contempt Proceedings (Domestic Abuse)
- Request to Cancel or Change a Chapter 236 Protective Order (Domestic Abuse)
- Petition for Relief from Elder Abuse
- Application to Expunge Court Record
- Petition for Relief from Sexual Abuse
- Petition for Relief from Sexual Abuse on Behalf of a Minor Child
- Petition for Relief from Sexual Abuse on Behalf of a Ward
- Affidavit to Start Contempt Proceedings (Sexual Abuse)
- Request to Cancel or Change a Chapter 236A Protective Order (Sexual Abuse)
- 1.1901—Form 7: Dissolution of Marriage–Affidavit of Financial Status
- 1.1901—Form 11: Petition for Termination of Parental Rights and Child Support Obligation Pursuant to Iowa Code Section 600B.41A(7)
- 2.37—Form 6: Written Arraignment and Plea of Not Guilty
- 2.37—Form 7: Application for Postconviction Relief
- 8.33—Form 1: Petition for Family in Need of Assistance
- 12.36—Form 1: Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6

- 12.36—Form 2: Affidavit in Support of Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6
- 12.36—Form 6: Application for Appointment of Counsel and Financial Statement
- 12.36—Form 26: Claim for Attorney or Physician's Fees Order and Certificate
- 13.35—Form 1: Application Alleging Substance-Related Disorder Pursuant to Iowa Code Section 125.75
- 13.35—Form 2: Affidavit in Support of Application Alleging Substance-Related Disorder Pursuant to Iowa Code Section 125.75
- 13.35—Form 5: Application for Appointment of Respondent's Counsel and Financial Statement
- 13.35—Form 7: Application for Appointment of Applicant's Counsel and Financial Statement Pursuant to Iowa Code Section 125.76
- 13.35—Form 26: Claim, Order, and Certificate for Attorney or Physician's Fees

Court forms in Iowa Court Rules chapters 1, 2, 8, 12, and 13 are temporarily adopted effective immediately. The forms will permanently take effect subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202. The remaining forms are adopted and effective immediately.

The court is in the process of updating these forms and will post the updated forms to the Iowa Judicial Branch website as soon as possible at: https://www.iowacourts.gov/for-the-public/court-forms/. In the interim, any of the forms listed above may be filed without notarization.

6. **Child custody, care, or visitation.** 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.

7. The court temporarily suspends the operation of any Iowa Court Rule or statute to the extent that it is contrary to any provisions of this order.

8. The court will continue to monitor circumstances and update this order as necessary.

THE SUPREME COURT OF IOWA

By _____
Susan Larson Christensen, Chief Justice

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