FILED
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CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Resuming Family Law Trials Postponed by COVID-19) **Order**

On May 22, 2020 the Iowa Supreme Court established the Jumpstart Family Law Trials Task Force to develop temporary policies and procedures for family law trials resuming following the COVID-19 postponements. On June 26, 2020 the Task Force submitted their recommendations to the court.[1] The court thanks the Task Force members for all of their hard work and dedication to the people of Iowa.

The court has considered the Task Force recommendations and continues to carefully monitor the public health situation created by the COVID-19 outbreak and its impact on Iowa's justice system. Based on the Task Force recommendations, the court issues the following policies and procedures regarding the prioritization of family law cases and to ensure parties' fundamental rights while protecting the health and safety of parties, court staff, attorneys, judges, and all Iowans who access the courthouse. Safety protocols are addressed by separate order.

I. Clarification of the July 9, 2020 Case Priority Order

With respect to the July 9, 2020 Case Priority Order, courts may schedule, hear, or handle cases with lower priority, including family law cases, before higher priority cases have been heard or handled if it reasonably appears the lower priority cases will not slow the hearing or handling of any higher priority cases. For example, if courts have openings in the schedule of short duration that would not accommodate a higher priority case but would accommodate a

[1] Jumpstart Family Law Trials Report

lower priority case, courts may schedule the lower priority case for those openings in the schedule that otherwise would go unfilled by any higher priority case. The priority given among family law cases to fill these openings in the schedule shall be based on the length of time the particular case has been on file, with cases on file the longest receiving scheduling priority.

II. Informal Family Law Trial Program for Self-Represented Litigants

The Informal Family Law Program expedites the resolution of family law cases involving less complicated factual circumstances.[2] The 7th judicial district has piloted the Informal Family Law Program for over three years. All judicial districts shall implement the Informal Family Law Trial Program or a similar program to include all family law cases where both parties are self-represented. Consent of both parties is no longer required. The district court may allow a self-represented party to opt out of the informal trial program for good cause. By August 17, 2020, each judicial district shall report its plan to implement the Informal Family Law Trial Program or a similar program to the supreme court for approval.

III. Temporary Mandatory Mediation Procedures

The judicial districts shall establish or continue procedures for mandatory mediation or mandatory judicial settlement conferences in all family law cases where at least one party is represented by an attorney. All Child Support Recovery Unit cases are exempt from this requirement.

[2] 2019 Informal Family Law Pilot Project Report

Judicial districts shall submit plans for their procedures for mandatory mediations or mandatory judicial settlement conferences by December 1, 2020. District plans shall be implemented on or by March 1, 2021 absent good cause. The procedures shall include:

1. Mediation or judicial settlement conference of all pending cases are to be completed within 90 days of issuance of the procedures (or a complete signed Stipulation resolving all issues must be filed within the 90 days);
2. Mediation or judicial settlement conference of all cases filed after the procedures are issued shall be completed within 120 days of filing (or a complete signed Stipulation resolving all issues must be filed within the 120 days);
3. Submission of Stipulations (partial or full) to the court within 30 days following conclusion of mediation or judicial settlement conference;
4. Submission of Mediation Reports in cases that are mediated;
5. Judicial settlement conferences and mediations may be conducted via video conference platforms or in-person;
6. Claims of domestic violence may render mediation inappropriate or warrant modifications to the mediation process (including use of video conferencing) to ensure safety;
7. Procedures for access to mediation, with consideration to fair distribution of cases where sliding scale or pro bono mediation must be undertaken by participating mediators.

IV. Temporary Mandatory Mediation Statewide List

By December 1, 2020, judicial districts shall provide a list of approved mediators to State Court Administration in the format required by State Court

Administration. The following information shall be included in the list: name, contact information, rates, and whether the mediator uses remote mediation, in person mediation or both. Parties may agree to use a mediator not on the statewide list.

Judicial officers are required to accept mediations from a mediator on the approved statewide mediator list or from a mediator agreed upon by the parties.

V. Temporary Mandatory Mediation Report

Within seven days of the completion of the mediation, an attorney, mediator, or party shall submit a mediation report to the district court. A mediation report form is required to be used and is attached to this order. Judges conducting settlement conferences are encouraged to submit or direct the parties to submit an equivalent report.

By December 1, 2020, state court administration shall prepare a standard data collection process for the mediation reports and settlement conference reports and success rates.

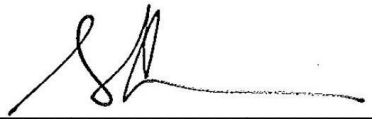
VI. Judicial Discretion Regarding Video Conferencing in Non-Custodial Trials

Non-custodial trials may be conducted by video conference, but not by telephone, and they may be held over the objection of a party, after an opportunity to be heard. Attorneys and self-represented litigants shall articulate in their objections the reasons constituting good cause for an in-person trial.

Custody trials may be held by video conference by consent of the parties. However, when the best interests of the child require court action regarding a

time-sensitive issue (e.g. determination of a school district for a child's enrollment where there is no agreement between the parents) the court shall have discretion to hold a hearing by video-conference.

THE SUPREME COURT OF IOWA

By 

Susan Larson Christensen, Chief Justice

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