FILED
MAR 17 2020
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Ongoing Provisions For Coronavirus/COVID-19 Impact On Court Services	)))	**March 17, 2020 Order**

The Iowa Judicial Branch previously issued supervisory orders relating to the spread of the novel coronavirus/COVID-19 on March 12, 2020 and March 14, 2020. Since then, the Governor of Iowa has declared a State of Public Health Disaster Emergency. The Governor's order includes a prohibition on gatherings in excess of 10 persons. Routinely, more than 10 people gather in courtrooms and court hallways throughout Iowa. To keep abreast of this directive and other events, the Iowa Judicial Branch is today instituting additional procedures to keep the courts open to the fullest possible extent while protecting public safety by mitigating the impact of coronavirus/COVID-19. The Iowa Judicial Branch remains committed to conducting business as necessary 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. Except to the extent superseded herein, the provisions of the March 12 and March 14 orders continue to apply.

CRIMINAL CASES

1. Any criminal trial that is not already in progress and that is scheduled to begin before April 20, 2020 shall be continued and reset to a date no earlier than April 20. This includes nonjury trials.
2. As before, the court finds the COVID-19 outbreak constitutes good cause within the meaning of Iowa R. Crim. P. 2.33 for any trial postponements. To clarify, if a trial is reset because of the COVID-19 outbreak where speedy trial has not been waived, the ninety-day deadline and the one-

year deadline in rule 2.33(2)(b) and rule 2.33(2)(c) shall be restarted with April 20, 2020 as Day 1.

3. For felony or misdemeanor sentencing hearings through April 20, district courts may allow any party (the prosecutor, defense counsel, defendant, victims and witnesses) to appear by videoconference or telephone with that party's consent. To appear by videoconference or telephone, the defendant shall either (a) execute a written waiver or (b) make a waiver on the record. Other parties need not execute a waiver.
4. Through April 20, magistrates and other judicial officers may conduct initial appearances by videoconference or telephone. As before, the defendant may waive initial appearance by executing a written waiver that provides the information that the defendant is entitled to receive at the initial appearance. See Iowa R. Crim. P. 2.2(1)-(4)(a).
5. Through April 20, written waivers of initial appearance or arraignment need not be under oath.
6. Through April 20, magistrates and other judicial officers may conduct bond reviews by video conference or telephone. Attorneys may elect to waive the defendant's presence on the defendant's behalf and allow the court to make a bond determination on written submissions or affidavits.
7. Through April 20, district courts in their discretion may cancel any pretrial conferences.
8. To facilitate sentencing without the personal presence of the defendant in the courtroom, through April 20, notwithstanding Iowa Code section 901.4, presentence investigation reports may be shared with defendants in advance of sentencing subject to reasonable safeguards.
9. The 45-day speedy indictment deadline in Iowa R. Crim. P. 2.33(2)(a) is extended to 60 days as of today pending further order of this court. This

means that for any case where the speedy indictment deadline has not run, fifteen days are added to the time period.

10. Judicial officers are encouraged to consider pretrial release options available under Iowa Code chapter 811.

11. All traffic-related proceedings set to commence before April 17 shall be rescheduled to a date no earlier than April 20.

CIVIL CASES

12. Subject to paragraph 19 herein, all civil nonjury trials and other hearings set to commence before May 4 shall be either continued to a date no earlier than May 4 or conducted by telephone, at the discretion of the district court.

13. Any mediation set to occur at a courthouse location before May 4 shall be continued or directed to occur by videoconference or telephone, at the discretion of the district court.

14. Subject to paragraph 19 herein, all forcible entry and detainer proceedings set to commence before May 4 shall be either continued to a date no earlier than May 4 or conducted by telephone, at the direction of the magistrate or other judicial officer. The small claims division shall retain jurisdiction for all proceedings continued pursuant to this paragraph.

15. Notwithstanding any provision of chapter 16 of the Iowa Court Rules, small claims actions may be filed in paper (not only EDMS) through May 4.

16. District courts may approve attendance at an on-line course for purposes of compliance with Iowa Code section 598.15 (required course for cases involving child custody or visitation).

JUVENILE CASES

17. Non-delinquency juvenile matters set to commence before May 4 shall be either continued to a date no earlier than May 4 or conducted with the parties and/or participants appearing remotely using video or phone conferencing, at the discretion of the court.

18. Juvenile delinquency proceedings shall be subject to any of the foregoing criminal proceeding directives that by their nature would apply to juvenile delinquency cases.

EMERGENCY MATTERS

19. District courts shall continue to conduct the following in-person business: (a) trials and hearings already in progress; (b) criminal matters that cannot be continued or conducted by videoconference or telephone (pursuant to this order or otherwise); and (c) emergency matters that cannot be conducted by videoconference or telephone. Emergency matters may include substance abuse treatment proceedings pursuant to Iowa Code chapter 125, hospitalization proceedings pursuant to chapter 229, removal proceedings pursuant to chapter 232, elder abuse proceedings pursuant to chapter 235B, dependent adult abuse proceedings pursuant to chapter 235F, protective orders pursuant to Iowa Code chapter 236 or 236A, motions to quash garnishments pursuant to chapter 642, and forcible entry and detainer proceedings pursuant to chapter 648 where the tenancy poses a clear and present danger. This list is not intended to be exclusive and judicial officers shall determine what constitutes an emergency within the meaning of this paragraph. Judicial officers may direct that an emergency matter be conducted by videoconference or telephone.

STATUTE OF LIMITATIONS

20. Any statute of limitations, statute of repose, or similar deadline for commencing an action in district court is hereby tolled from March 17 to May 4 (48 days).

GENERAL

21. The Iowa Judicial Branch Building at 1111 East Court Ave., Des Moines 50319 shall be closed to the public effective March 18. Provisions will be made for the acceptance of permissible nonelectronic filings at the building entrance.

22. The court temporarily suspends any requirement that judges and court reporters travel together to and from court hearings.

23. The court temporarily suspends the operation of any Iowa Court Rules and statutes to the extent they are contrary to any provisions of this order.

24. The court will monitor circumstances and update this order as necessary.

THE SUPREME COURT OF IOWA

By _____
Susan Larson Christensen, Chief Justice

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